

ending 31st December 1871.—(Continued.)

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41	The Indian Registration Act, 1871.	English.	Moulvie Abdool Hye.	Law	Printed at T. Black and Co.'s Press, No. 55, Bentinck St., Published at No. 2, Dalhousie Square, Calcutta.	Printed by T. Black and Co., Published by Messrs. Barham Hill and Co.
42	English Reading Book, No. IV.	ditto	Compiled by Baboo Gopaulchundra Banerjea.	Miscellaneous	Printed and Published at the Hitoishee Press, No. 1, Krishna Das Pal's Lane, Calcutta.	Printed and published by K. C. Banerjea.
43	Lecture on the duties of young India.	ditto	Nobinkrishnu Bose, G.M.C.B. Extra Assistant Commissioner, Nimar.	ditto	Printed at the Prakrit Press, No. 2, Holwell's Lane, Calcutta.	Printed by Pandit Muthooranath Tarakutnu.
					Printed : Print	
44	The Trinity. Controversy in India.	ditto	Gosto Behary Mullick and Professor Ram Chundru.	Religious	Printed at the Soocharoo Press, No. 12, Armenian St., Calcutta; Published at No. 9, Hastings St., Calcutta.	Printed by Lallechand Bishwas, Published by Gosto Behary Mullick.
45	Hymns and Sacred Verses adapted for children.	ditto	Compiled by Rev. P. W. Thomas, S. P. G.	ditto	The City Press, Bentinck St., Calcutta.	T. S. Smith, of the City Press.

for the Quarter ending 31st December 1871.—(Continued.)

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3	Rugur Beejli Bul, or Frictional Electricity.	ditto ...	ditto ...	ditto ...	ditto ...	ditto ...
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8	Dourta Beejibul, or Volatile Electricity.	ditto ...	ditto ...	ditto ...	ditto ...	ditto ...
9	Oordoo Juwab Muzmoon, or Essays in Oordoo.	ditto ...	Roy Sohunlal.	Social ...	ditto ...	ditto ...
10	Zubdtool Amal, or the substance of works of righteousness.	ditto ...	Khaja Bakerali Khan.	Religion ...	Azimoolmutabe Press, Patna.	Printed by Bilayut Ali, Published by Khaja Bakerali Khan.
11	Moolhtusare Tarikh, Hind, or a compendium of the History of India.	ditto ...	Moonshee Soorujmul.	History ...	Fuyzayan Press, Patna.	Moonshee Soorujmul.
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16	Ustadhyayu Sootrupat, or the Rules of Grammar contained in the eight chapters of Panini.	ditto ...	Edited by ditto.	ditto ...	ditto ...	ditto
17	Udhyatma Ramayun or the History of Ram as the Supreme Spirit.	ditto ...	Edited by Kaleekinkur Bidyarutnu.	Religious ...	New Sanskrit Press, No. 12, Fukeerchannu Mittra's St., Calcutta.	Harimohun Mookhopadhyayu.
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21	Stubashtukum, or eight Hymns.	ditto ...	Ramkrishnu Bhattacharjya.	ditto ...	Bodhoduyu Press, Hooghly.	Kaseenath Bhattacharjya.
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13	Bhagbut Tuttwubodhika, or the Expositor of Bhagbut Vol. I., No. 3, (continued from No. 5) p. 161 to 240.	Sanskrit and Bengali	Edited and explained by Ramnarayan Bidyarnu.	Romance ...	Satyurutnu Press Berhampore.	Printed by Ramnath, Talookdar; Published by Ramnarayan Bidyarnu.
14	Ditto ditto, Vol. I. No. 4 (continued from No. 13) p. 246 to 320.	ditto ..	ditto ...	ditto ...	ditto ...	ditto ...
15	Ditto ditto, Vol. I. No. 5 (continued from No. 14) p. 321 to 400.	ditto ...	ditto ...	ditto ...	ditto ..	ditto ...
16	Muhabharat, Part VII. (continued from No. 8, p. 337 to 376 of the Sanskrit, and p. 193 to 240 of the Bengali.	ditto ...	Translated and revised by Sntyubrutu Samswamee and Kaleeprusunnu Bidyarnu, with the commentary of Neelkunthu.	ditto ..	Alfred Press, Serampore.	Printed by Oomeshchundru Chuttopadhyayu; Published by Judoonath Bandyopadhyayu.
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18	Ditto ditto, Part IX. (continued from No. 17) p. 425 to 456 of the Sanskrit, and p. 281 to 336 of the Bengali.	ditto ...	ditto ...	ditto ...	ditto ..	ditto ...
19	Ditto ditto, Part I. Adipurba, p. 1 to 56 of the Sanskrit, and p. 1 to 32 of the Bengali.	ditto ...	ditto ..	ditto ...	ditto ...	ditto ...
20	Muhabharat, Part IX. Adipurba (continued from No. 7) p. 449 to 504 of the Sanskrit, and p. 281 to 320 of the Bengali.	ditto ...	Edited, translated and revised by Jugunmohun Turkalunkar and Nrisinhu Chundru Mookhopadhyayu, M.A., with the commentary of Neelkunthu.	ditto ...	Dwoipayun Press, No. 221, Cornwalis St., Calcutta.	Printed by Judoonath Ray; Published by Gobindachandru Ghosh and Co.
21	Shradhu Muntrarthu Prakashika, or an Expositor of the Shradhu Ritual.	ditto ...	Compiled and translated by Nubukoomar Bhattacharjya.	Religious ...	Calcutta Hitoishee Press, 1, Krishna Das Pal's Lane, Calcutta.	Koilaachandru Bandyopadhyay.

ending 31st December 1871.—(Continued.)

8.	9.	10.	11.	12.	13.	14.	15.	16.
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1.	2.	3.	4.	5.	6.	7.
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						SUNSKRIT AND
22	Ayoorveda Sar Sun-gruhu or Selections from Ayoorveda.	Sanskrit and Bengali.	Compiled and translated by Gopalchundru Sen Gooptu.	Medicine ...	Printed at the Columbian Press, No. 38, Cornwallis St.; Published at No. 6, Mudun Mittru's Lane.	Printed by Judoonath De; Published by Bhoobun Mohun Gongopadhyayu.
23	Prubasu Shutukum, or one hundred pieces of poetry on being in a foreign land.	ditto ...	Judoonath Nyarutnu.	Travels ...	Chundrodoyu Press, Phoolkocha.	Neelmadhub Rayu ...
24	Sanskrit Brumhandubriti, or a description of the Earth in Sanskrit.	ditto ...	Compiled by Brujusoondru Moitru.	Science ...	Tumoghnu Press, Beaula Rajshye.	Moorarimohun Bishwas.
25	Ramayun Ujodhya Kandu, No. 10 (continued from No. 9, p. 561 to 640 of the Sanskrit, and p. 289 to 320 of the Bengali, with the commentary of Ramanoju.	ditto ...	Translated and revised by Hemchundru Bhattacharjya.	Romance ...	Valmikee Press, No. 55, Amherst St., Calcutta.	Kaleskinkur Chakrabortee.
26	Ditto ditto, No. 11 (continued from 25) p. 641 to 704 of the Sanskrit, and p. 321 to 352 of the Bengali.	ditto ...	ditto ...	ditto ...	ditto ...	ditto
27	Pooranprukash, Vishnu Pooran, Part IV., No. 13, (continued from No. 10) p. 73 to 144 Commentary, p. 9 to 16.	ditto ...	Translated and edited by Juggunmohun Turkalunkar.	ditto ...	Kabyuprukash Press, No. 7, Huripal's Lane, Calcutta.	Printed by Kaleskinkur Chakrabortee; Published by Buradaprasad Busak.
28	Muhabharat Hribunshu, Part V. (continued from No. 1) p. 161 to 200 of the Sanskrit, and p. 161 to 200 of the Bengali.	ditto ...	Translated by Rohineenundun Sirkar and Guneshchundru Bhattacharjya.	ditto ...	Bharut Press, No. 367, Chitpore Road.	Dhurunseedhur Mookhopadhyayu.
29	GayutreePrakurunum or the Rules of Gayutree.	ditto ...	Compiled by Taranath Turkabachusputi.	Religion ...	Printed at the new Sanskrit Press, No. 12, Fukurohaud Mittru's St.; Published at Abireetola, Calcutta.	Printed by Hunimohun Mookhopadhyayu; Published by Taranath Mookhopadhyayu.

ending 31st December 1871.—(Continued.)

8.	9.	10.	11.	12.	13.	14.	15.	16.
Date of issue from the press or of publication.	Number of sheets, leaves, or pages.	Size.	First, second, or other edition.	Number of copies of which the edition consists.	Printed or lithographed.	Price at which the book is sold to the public.	Name and residence of proprietor of copyright, or any portion of copyright.	REMARKS.
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30	Tithitatu—or the truth concerning the age of the moon.	Sanskrit Bengali.	Edited by Muthooranath Turkurutnu, with Kaseeram Bachusputi's commentary.	Religious ...	Prakritu Press, No. 2, Holwell's Lane, Calcutta.	SANSKRIT AND Printed by Kallee Churn Bundyopadhyay; Published by Muthooranath Turkurutnu.
31	Kabyuprukashika. Part XXXIII., Bhutti Kabyu (continued from No. 3238) p. 177 to 264 of the Sanskrit, and p. 17 to 24 of the Bengali.	ditto ...	Edited by Nrisinhchundru Mookhopadhyay.	Poetry ...	B. P. M.'s Press, No. 22, Jhamapookur Lane, Calcutta.	Buradaprasad Muzoomdar.
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1	Byakurankoumudi, or the Moonlight of Grammar.	Sanskrit and Oriya.	Translated by Gobinduchundru Puttunayuk.	Science ...	Printed at the Baptist Mission Press, No. 24, Lower Circular Road; Published at No. 10, Government Place, E.	SANSKRIT Printed by Rev. C. B. Lewis; Published by the Calcutta School Book Society.
1	A Key to the Poetical English Reader No. II.	English and Bengali.	Koilaschundru Duttu, B. A.	Miscellaneous.	B. P. M.'s Press, No. 22, Jhamapookur Lane, Calcutta.	ENGLISH AND Printed by A. L. Choudhooree; Published by Buradaprasad Muzoomdar.
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IIA. 1	Bigyan Ruhasya, or Bengali. the Mysteries of Science, a monthly Magazine, Part I., No. 1, September 1871.	Bengali.	Muhendrunath Bhattacharjyu.	Miscellaneous.	Printed and Published at the Kabu-prukash Press, No. 7, Huripal's Lane, Calcutta.	Printed by Kaleekoonar Chukruburtee, Published by Muhendrunath Bhattacharjyu.
IV. 3	Chikitsa Durpan, or ditto the Medical Mirror. Part I., No. 6, Ashwin 1278.	ditto	Judoonath Mookhopadhyayu.	Medical	Printed at the Alfred Press, Serampore, Published at Chinsurah.	Printed by Oomeshchundru Chuttopadhyayu, Published by Chukoolal Sirkar.
4	Ditto ditto. Part I. No. 7, Kartik 1278.	ditto	ditto	ditto	ditto	Printed by Judoonath Bondyopadhyayu, Published by Chukoolal Sirkar.
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3	Ditto ditto, Part I. No. 5.	ditto	ditto	ditto	ditto	ditto

Quarter ending 31st December 1871.—(Continued.)

8.	9.	10.	11.	12.	13.	14.	15.	16.
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IVC. 6	Halishukur Patrika, Vol. I, No. 6, Ashwin 1278.	Bengali.	Poornuchundru Sinhu.	Miscellaneous.	Printed at the Alfred Press, Serampore, Published at Halishukur.	Printed by Oomeshchundru Chuttopadhyayu, Published by Janukeenath Gungopadhyayu.
7	Ditto ditto, Vol. I, No. 7, Kartik 1278.	ditto	ditto	ditto	ditto	Printed by Judeonath Bundyopadhyayu, Published by Janukeenath Gungopadhyayu.
VI. 6	Jyotirangun, or the Firefly a monthly Magazine Part III., No. 2, August 1871.	ditto	Rev. S. C. Ghosh	ditto	Printed at the Saptahik Sumbad Press, No. 1, Pipulputi Lane, Published at No. 10, Hare St., Calcutta.	Printed by Brnjumadhub Busoo, Published by the Calcutta Christian Tract and Book Society.
7	Ditto ditto, Part III., No. 3, September 1871.	ditto	ditto	ditto	ditto	ditto
8	Ditto ditto, Part III., No. 4, October 1871.	ditto	ditto	ditto	ditto	ditto
9	Ditto ditto, Part III., No. 5, November 1871.	ditto	ditto	ditto	ditto	ditto
X. 2	Nubuprabundhu, or the New Essayist, a monthly Magazine, Part V., No. 7, November 1870.	ditto	Edited by Tinkuri Ghoshal.	ditto	Printed at the New Bengal Press, No. 149, Maniktula St., Calcutta, Published at No. 30, Buluram De's St., Jorasanko, Calcutta.	Printed by Sharudaprasad Chuttopadhyayu, Published by Tinkuri Ghoshal.
XI. 8	Ruhasya Sundurbhu, or Interesting Selections, Vol. VI., No. 66.	ditto	Edited by Rajendralal Mittru.	ditto	Printed and Published at the Gunesh Press.	Nundukrishnu Sirkar.
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25	Ditto ditto, Part II., No. 19, 4th Bhadru 1278.	ditto	ditto	ditto	ditto	ditto
26	Ditto ditto, Part II., No. 20, 11th Bhadru 1278.	ditto	ditto	ditto	ditto	ditto

the Quarter ending 31st December 1871.—(Continued.)

8.	9.	10.	11.	12.	13.	14.	15.	16.
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27	Sahityu Mookoor, or Mirror of Literature, a Weekly Journal, Part II., No. 21, 18th Bhadru 1278.	Bengali.	Satyuchurun Gooptu.	Miscellaneous.	Printed and Published at the Gooptu Press, No. 24, Meerajaffer's Lane, Calcutta	Printed and Published by Mutilal Das.
28	Ditto ditto, Part II., No. 22, 25th Bhadru 1278.	ditto	ditto	ditto	ditto	ditto
XIII. 4	Sunatun Dhurmopadeshinee, or the preacher of the ancient Religion of India, monthly Magazine, Part II., No 2, Joisthu 1278.	ditto	Chundrushekhur Mookhopadhyayu.	Religious.	The Sahityu Press, No. 47 Patooringhata St.	Printed by Kartik-chundru Chondhooree, Published by the Dhurmurukhinee Subba.
5	Ditto ditto, Part II., No. 3, Ashar 1278.	ditto	ditto	ditto	ditto	ditto
XIV. 14	Weekly precedents of cases decided on Appeal to the High Court, Part V., No 12, March 1871.	ditto	Kaleemohun Mookhopadhyayu, the recognized Bengali Translator of the late Sudder Reports.	Law	The New Bengal Press, No. 149, Maniktula St., Calcutta.	Printed and Published by Sharudaprasad Chuttopadhyayu.
15	Ditto ditto, Part V., No. 13, April 1871.	ditto	ditto	ditto	ditto	ditto
16	Ditto ditto, Part V., No. 14, April 1871.	ditto	ditto	ditto	ditto	ditto
17	Ditto ditto, Part V., No. 15, April 1871.	ditto	ditto	ditto	ditto	ditto
XIVA. 6	Weekly Precedents of cases decided on Appeal to the Original and Appellate High Court Part V., No. 14, April 1871.	ditto	Girishchundru Mookhopadhyayu, the recognized Bengali Translator of the late Sudder Reports.	ditto	Printed at the Soocharoo Press, No. 12, Armenian St., Published at Calcutta and other places.	Printed by Lalchand Bishwas, Published by Girishchundru Mookhopadhyayu.
7	Ditto ditto, Part V., No. 15, April 1871.	ditto	ditto	ditto	ditto	ditto
8	Ditto ditto, Part V., No. 16, April 1871.	ditto	ditto	ditto	ditto	ditto
9	Ditto ditto, Part V., No. 17, May 1871.	ditto	ditto	ditto	ditto	ditto
10	Ditto ditto, Part V., No. 18, May 1871.	ditto	ditto	ditto	ditto	ditto
11	Ditto ditto, Part V., No. 19, May 1871.	ditto	ditto	ditto	ditto	ditto
12	Ditto ditto, Part V., No. 20, May 1871.	ditto	ditto	ditto	ditto	ditto

the Quarter ending 31st December 1871 — (Continued.)

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" 24th.	24 "	ditto	First ...	300	ditto ...	2 0 0	ditto ...	ditto.
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XV. 19	Weekly Reports of cases in the Appellate High Court, Vol. VIII., No. 21, June 1871.	Bengali.	Ubhuyadas Busoo.	Law	Printed and Published at the Bengali Saptahik Report Press, No. 4, College Sq., Calcutta.	Printed by Dwarkanath Rayu. Published by Ubhuyadas Busoo.
20	Ditto ditto, Vol. VIII., No. 22, June 1871.	ditto	ditto	ditto	ditto	ditto
21	Ditto ditto, Vol. VIII., No. 23, June 1871.	ditto	ditto	ditto	ditto	ditto
22	Ditto ditto, Vol. VIII., No. 24, June 1871.	ditto	ditto	ditto	ditto	ditto
23	Ditto ditto, Vol. VIII., No. 25, June 1871.	ditto	ditto	ditto	ditto	ditto
ENGLISH						
II. 7	Bengal Law Reports, Vol. VII., Part XXXVIII., September 1871.	English	Edited by L. A. Goodeve, Middle Temple.	ditto	Printed at Thacker, Spink and Co.'s Press, No. 1-1, Fancy Lane; Published at No. 5, Govt. Place, Calcutta.	Printed and Published at Calcutta by Thacker, Spink and Co.; at Bombay by Thacker Vining and Co.; at London by W. Thacker and Co., No. 87, Newgate St.
8	Ditto ditto, Vol. VII., Part XXXIX., October 1871.	ditto	ditto	ditto	ditto	ditto
V. 3	Calcutta Journal of Medicine, Vol. IV., No. 7, July 1871.	ditto	Mahendralal Sircar, M.D.	Medical	The Anglo Sanskrit Press, No. 73, San- karitola Lane.	Eshwarchundra Ghosh.
4	Ditto ditto, Vol. IV., No. 8, August 1871.	ditto	ditto	ditto	ditto	ditto
VI. 3	Calcutta Review, a Quarterly Magazine, No. 106, October 1870.	ditto	Thos. S. Smith, Esq.	Miscellaneous.	The City Press, No. 12, Bentinck St., Calcutta.	Thos. S. Smith, Esq.
VII. 3	The Christian Spectator, Vol. I., No. 3, September 1871.	ditto	Rev. C. B. Lewis	Religious	Printed and Published at the Baptist Mission Press, No. 24, Lower Circular Road, Calcutta.	Rev. C. B. Lewis
4	Ditto ditto, Vol. I., No. 4.	ditto	ditto	ditto	ditto	ditto

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VIII. 7	Indian Bradshaw, a guide to travellers throughout India, especially arranged, time and fare tables of all Indian Railways, Steam Navigation, Dak and Transit Companies, No. 70, September 1871.	English	Compiled by J. Bruce Gillon.	Miscellaneous.	Printed at the Bengal Printing Co.'s Press, No. 4, Hastings St. Published at No. 3, Dalhousie Sq., Calcutta.	Printed by the Bengal Printing Co., Ltd., Published by W. Newman and Co.
IX. 6	Indian Student Vol. III., No. 6, August 1871.	ditto	Rev. K. S. Macdonald, M. A.	ditto	Printed at the Baptist Mission Press, No. 24, Circular Road, Calcutta.	Printed by Rev. C. B. Lewis; Published by Thacker Spink and Co.,
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8	Ditto ditto, Vol. III., No. 8, October 1871.	ditto	ditto	ditto	ditto	ditto
XI. 4	Journal of the Asiatic Society of Bengal. New Series, Vol. XI., No. 170, Part II., No. 8, 1871.	ditto	Edited by the Honorary Secretaries.	ditto	ditto	Printed by Rev. C. B. Lewis; Published by the Asiatic Society of Bengal.
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XVI. 3	Report of select cases, Part VII., Vol. XI.	ditto	A. A. Sevestre, Law Esq., Pleader of the High Court.	Law	ditto	Printed by Rev. C. B. Lewis; published by A. A. Sevestre, Esq.

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I. 3	Bibliotheca Indica, a collection of Oriental works, new series, No. 236.	Persian ..	Edited by H. Blochmann, M.A., Assistant Professor, Calcutta Mudrassa.	The Aini Akbari by Abul Fazl-i-Mubarak-i-Alami, Fas XIII.	Printed at the Baptist Mission Press, No. 24, Lower Circular Road, Calcutta.	Printed by Rev. C. B. Lewis; published by the Asiatic Society of Bengal.
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WEDNESDAY, MARCH 27, 1872.

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Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 15th March 1872, and is hereby promulgated for general information:—

Act No. I of 1872.

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SCHEDULE.

THE INDIAN EVIDENCE ACT, 1872.

WHEREAS it is expedient to consolidate, define, and amend the Law of Evidence; It is hereby enacted as follows:—

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

1. This Act may be called "The Indian Evidence Act, 1872."
- Short title.
- It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator,
- Extent.
- and it shall come into force on the first day of September 1872.
- Commencement of Act.
2. On and from that day the following laws shall be repealed:—
- Repeal of enactments.
- (1.) All rules of evidence not contained in any Statute, Act, or Regulation in force in any part of British India.
- (2.) All such rules, laws, and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861,' in so far as they relate to any matter herein provided for; and

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act, or Regulation in force in any part of British India and not hereby expressly repealed.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

Interpretation-clause.

"Court."

"Fact."

sions are used in the following senses, unless a contrary

and all persons, except arbitrators, legally authorised to take evidence.

"Fact" means and includes—

- (1) any thing, state of things, or relation of things, capable of being perceived by the senses;
- (2) any mental condition, of which any person is conscious.

Illustrations.

- (a.) That there are certain objects arranged in a certain order in a certain place is a fact.
- (b.) That a man heard or saw something is a fact.
- (c.) That a man said certain words is a fact.
- (d.) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.
- (e.) That a man has a certain reputation is a fact.

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

"Relevant."

"Facts in issue."

The expression "Facts in issue" means and includes—

any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B.
At his trial the following facts may be in issue—

- That A caused B's death;
- That A intended to cause B's death.
- That A had received grave and sudden provocation from B.
- That A at the time of doing the act which caused B's death was, by no reason of unsoundness of mind, incapable of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

"Document."

Illustrations.

- A writing is a document.
Words printed, lithographed, or photographed are documents.
A map or plan is a document.
- An inscription on a metal plate or stone is a document.
A caricature is a document.

"Evidence."

"Evidence" means and includes—

- (1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

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such statements are called oral evidence :

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence.

A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said to be proved when it is neither proved nor disproved.

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

When one fact is declared by this Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being relating to Civil Procedure.

Illustrations.

(a.) A is tried for the murder of B by beating him with a club with the intention of causing his death.
 At A's trial the following facts are in issue—
 A's beating B with the club;
 A's causing B's death by such beating;
 A's intention to cause B's death.

(b.) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

Illustrations.

(a.) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it, as to form part of the transaction, is a relevant fact.

(b.) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and jails are broken open. The occurrence of these facts is relevant as forming part of the general transaction, though A may not have been present at all of them.

(c.) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(d.) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations.

(a.) The question is, whether A robbed B.
 The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(b.) The question is, whether A murdered B.
 Marks on the ground produced by a struggle at or near the place where the murder was committed are relevant facts.

(c.) The question is, whether A poisoned B.
 The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant if such conduct influences or is influenced by fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(a.) A is tried for the murder of B.
 The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(b.) A sues B upon a bond for the payment of money. B denies the making of the bond.
 The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(c.) A is tried for the murder of B by poison.
 The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(d.) The question is, whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(e.) A is accused of a crime.
 The facts that either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favorable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(f.) The question is, whether A robbed B.

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The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B,'—and that immediately afterwards A ran away, are relevant.

(g.) The question is, whether A owes B rupees 10,000. The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(h.) The question is, whether A committed a crime. The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(i.) A is accused of a crime. The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(j.) The question is, whether A was ravished. The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section 32, (1), or as corroborative evidence under section 157.

(k.) The question is, whether A was robbed. The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint, is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section 32, clause (1), or as corroborative evidence under section 157.

9. Facts necessary to explain or introduce a

fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or

which establish the identity of any thing or person, whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(a.) The question is, whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(b.) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(c.) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section 8, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(d.) A sues B for inducing C to break a contract of service made by him with A. C on leaving A's service says to A, 'I am leaving you because B has made me a better offer. This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.'

(e.) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it—'A says you are to hide this.' B's statement is relevant as explanatory of a fact which is part of the transaction.

(f.) C is tried for a riot, and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

10. Where there is reasonable ground to believe

that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done, or written, by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration.

(a.) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

11. Facts not otherwise relevant are relevant—

(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations.

(a.) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(b.) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C, or D. Every fact which shows that the crime could have been committed by no one else, and that it was not committed by either B, C, or D, is relevant.

12. In suits in which damages are claimed, any

fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

13. Where the question is as to the existence

of any right or custom, the following facts are relevant—

(a.) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted, or denied, or which was inconsistent with its existence.

(b.) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted, or departed from.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcilable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14. Facts showing the existence of any state of mind—such as intention, knowledge, good faith, negligence, rashness, ill-will, or good-will towards any particular person, or showing the existence of any state of body or bodily feeling—are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Explanation.—A fact relevant as showing the existence of a relevant state of mind must show that it exists not generally but in reference to the particular matter in question.

Illustrations.

(a.) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(b.) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

(c.) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y, and Z, and that they had made complaints to B, are relevant.

(d.) The question is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(e.) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(f.) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him, is relevant, as showing that A made the representation in good faith.

(g.) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(h.) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew, or had reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(i.) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(j.) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.

(k.) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(l.) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms, are relevant facts.

(m.) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(n.) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(o.) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(p.) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

15. When there is a question whether an act was accidental or intentional,

Facts bearing on question whether act was accidental or intentional.

the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Illustrations.

(a.) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(b.) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favor of A, are relevant.

(c.) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D, and E, are relevant, as showing that the delivery to A was not accidental.

16. When there is a question whether a particular act was done, the existence of any course of business, according to which it naturally would have been done, is a relevant fact.

Existence of course of business when relevant.

tence of any course of business, according to which it naturally would have been done, is a relevant fact.

Illustrations.

(a.) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(b.) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

17. An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

Admission defined.

inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

18. Statements made by a party to the proceeding, or by an agent to any such party whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

Admission—by party to proceeding or his agent;

any such party whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

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Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

Statements made by—
by party interested in subject-matter; (1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions, if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Admissions by persons whose position must be proved as against party to suit.

or liability it is necessary to prove as against any party to the suit, are admissions, if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustration.

A undertakes to collect rents for B.
B sues A for not collecting rent due from C to B.
A denies that rent was due from C to B.
A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

Admissions by persons expressly referred to by party to suit.

Illustration.

The question is, whether a horse sold by A to B is sound.
A says to B—'Go and ask C, C knows all about it.' C's statement is an admission.

21. Admissions are relevant and may be proved as against the person who makes them, or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases:—

Relevancy of admissions against or in behalf of persons concerned.

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section thirty-two.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

(a.) The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(b.) A, the Captain of a ship, is tried for casting her away. Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business, showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section thirty-two, clause (2).

(c.) A is accused of a crime committed by him at Calcutta. He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post mark of that day. The statement in the date of the letter is admissible, because if A were dead it would be admissible under section thirty-two, clause (2).

(d.) A is accused of receiving stolen goods knowing them to be stolen. He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(e.) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding illustration.

22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

When oral admissions as to the contents of documents are relevant.

document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Admissions in civil cases when relevant.

it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation.—Nothing in this section shall be taken to exempt any barrister, pleader, attorney, or vakil from giving evidence of any matter of which he may be compelled to give evidence under section 126.

24. A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat, or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Confession caused by inducement, threat, or promise irrelevant.

is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat, or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

25. No confession made to a Police officer, shall be proved as against a person accused of any offence.

Confession made to a Police officer not to be used as evidence.

shall be proved as against a person accused of any offence.

26. No confession made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

Confession made by accused while in custody of Police not to be used as evidence.

made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

28. If such a confession as is referred to in section 24 is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

29. If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

30. When more persons than one are being tried jointly for the same offence, and an confession made by one of such persons affecting himself and some other such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

Illustrations.

(a.) A and B are jointly tried for the murder of C. It is proved that A said,—"B and I murdered C." The Court may consider the effect of this confession as against B.

(b.) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—"A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases:—

(1.) When the statement is made by a person, as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant, whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

(2.) When the statement was made by such person in the ordinary course of business, and in particular when it consists

of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of an acknowledgment written or signed by him of the receipt of money, goods, securities, or property of any kind; or of a document used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom, or matter had arisen.

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

(7.) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section 13, clause (a).

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

Illustrations.

(a.) The question is, whether A was murdered by B; or A dies of injuries received in a transaction in the course of which she was ravished. The question is whether she was ravished by B; or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death referring respectively to the murder, the rape, and the actionable wrong under consideration, are relevant facts.

(b.) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

PART I.
Ch. 2.—Relevance of Facts.
 Statements by persons who cannot be called as witnesses, 33.
 Statements made under special circumstances, 34.
 How much of a statement is to be proved, 35.
 Judgments of Courts of Justice when relevant, 36.

(e.) The question is, whether A was in Calcutta on a given day.
 A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.
 (d.) The question is, whether a ship sailed from Bombay Harbour on a given day.
 A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.
 (c.) The question is, whether rent was paid to A for certain land.
 A letter from A's deceased agent to A, saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.
 (f.) The question is, whether A and B were legally married.
 The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.
 (g.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.
 (h.) The question is, what was the cause of the wreck of a ship.
 A protest made by the captain, whose attendance cannot be procured, is a relevant fact.
 (i.) The question is, whether a given road is a public way.
 A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.
 (j.) The question is, what was the price of grain on a certain day in a particular market. A statement of the price, made by a deceased banya in the ordinary course of his business, is a relevant fact.
 (k.) The question is, whether A, who is dead, was the father of B.
 A statement by A that B was his son, is a relevant fact.
 (l.) The question is, what was the date of the birth of A.
 A letter from A's deceased father to a friend, announcing the birth of A on a given day, is a relevant fact.
 (m.) The question is, whether, and when, A and B were married.
 An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.
 (n.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving, in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Provided
 that the proceeding was between the same parties or their representatives in interest;
 that the adverse party in the first proceeding had the right and opportunity to cross-examine;
 that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not

alone be sufficient evidence to charge any person with liability.

Illustration.

A sues B for Rs. 1,000, and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

35. An entry in any public or other official book, register, or record, stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

36. Statements of facts in issue or relevant facts, made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts, or plans, are themselves relevant facts.

37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the *Gazette* of any local Government, or in any printed paper purporting to be the *London Gazette*, or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

39. When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

40. The existence of any judgment, order or decree which, by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

PART I.
2.—Relev-
ance of Facts.
Elements
of Facts of
which when
proved, the
existence of
persons
relevant,
47.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing is relevant.

Such judgment, order or decree is conclusive proof

that any legal character which it confers accrued at the time when such judgment, order or decree, came into operation;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

42. Judgments, orders or decrees other than those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the inquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favor of the defendant, in a suit by A against C for a trespass on the same land, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

43. Judgments, orders or decrees, other than those mentioned in sections 40, 41, and 42, are irrelevant, unless the existence of such judgment, order or decree, is fact in issue, or is relevant under some other provision of this Act.

Illustrations.

(a.) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(b.) A prosecutes B for adultery with C, A's wife. B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(c.) A prosecutes B for stealing a cow from him. B is convicted.

A, afterwards, sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(d.) A has obtained a decree for the possession of lands against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

Fraud, collusion, and incompetency of Court may be proved.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science, or art, are relevant facts.

Such persons are called experts.

Illustrations.

(a.) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(b.) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c.) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same or by different persons, are relevant.

46. Facts not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations.

(a.) The question is, whether A was poisoned by a certain poison.

The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b.) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A, and received letters purporting to be written by him. C is his clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted

PART I. the letters purporting to be written by A for the purpose of advising with him thereon.
 Ch. 2.—**Relevancy of Facts.** The opinions of B, C, and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C, nor D ever saw A write.
 Opinions of third persons when relevant, ss. 48—51.
 Character when relevant, ss. 52—55.
 Part II.—**Proof.**
 Ch. 3.—**Facts which need not be proved,** ss. 56—57.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

49. When the Court has to form an opinion as to—
 Opinions as to usages, tenets, &c., when relevant.

the usages and tenets of any body of men or family,
 the constitution and Government of any religious or charitable foundation, or
 the meaning of words or terms used in particular districts or by particular classes of people,
 the opinions of persons having special means of knowledge thereon, are relevant facts.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under sections 494, 495, 497 or 498 of the Indian Penal Code.

Illustrations.
 (a.) The question is, whether A and B were married. The fact that they were usually received and treated by their friends as husband and wife, is relevant.
 (b.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.
 Grounds of opinion when relevant.

Illustration.
 An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT.

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.
 In civil cases, character to prove conduct imputed irrelevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.
 In criminal cases, previous good character relevant.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given

that he has a good character, in which case it becomes relevant.

Explanation.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.
 Character as affecting damages.

Explanation.—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II.
ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

No evidence required of fact judicially noticed. **56.** No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice. **57.** The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India:

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto.

Explanation.—The word 'Parliament' in clauses (2) and (4) includes—

1. The Parliament of the United Kingdom of Great Britain and Ireland;
2. The Parliament of Great Britain;
3. The Parliament of England;
4. The Parliament of Scotland, and
5. The Parliament of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts take judicial notice: the seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act of Regulation having force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is notified in the *Gazette of India*, or in the official Gazette of any Local Government:

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:

11.— (9.) The divisions of time, the geographical divisions of the world, and public festivals, fasts and holidays notified in the official Gazette :

— Facts need not be proved. (10.) The territories under the dominion of the British Crown :

5.—Do- (11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons :

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attornies, proctors, vakils, pleaders and other persons authorized by law to appear or act before it :

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings : Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct ; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it ;

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it ;

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner ;

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds :

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable ;

Provided also that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. The contents of documents may be proved

Proof of contents of documents. either by primary or by secondary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document :

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest ; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained ;

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies ;

(3.) Copies made from or compared with the original ;

(4.) Counterparts of documents as against the parties who did not execute them ;

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

(a.) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(b.) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(c.) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence ; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(d.) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Proof of documents by primary evidence.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases :—

(a.) When the original is shown or appears to be in the possession or power

of the person against whom the document is sought to be proved, or

or any person out of reach of, or not subject to, the process of the Court, or

of any person legally bound to produce it, and when, after the notice mentioned in Section sixty-six, such person does not produce it ;

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Proof.
Ch. 5.—
Documentary Evi-
dence, ss. 66—73.
Public Docu-
ments, ss. 74—
76.

(b.) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest;

(c.) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time;

(d.) When the original is of such a nature as not to be easily moveable;

(e.) When the original is a public document within the meaning of section seventy-four;

(f.) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence;

(g.) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (a), (c) and (d), any secondary evidence of the contents of the document is admissible.

In case (b), the written admission is admissible.

In cases (e) or (f), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (g), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

66. Secondary evidence of the contents of the documents referred to in section sixty-five, clause (a), shall

Rules as to notice to produce. not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it:—

(1.) When the document to be proved is itself a notice;

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it;

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force;

(4.) When the adverse party or his agent has the original in Court;

(5.) When the adverse party or his agent has admitted the loss of the document;

(6.) When the person in possession of the document is out of reach of, or not subject to, the process of the Court.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of signature and handwriting of person alleged to have signed or written document produced.

68. If a document is required by law to be

Proof of execution of document required by law to be attested.

attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

72. An attested document not required by law to be attested may be proved as if it was unattested.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

74. The following documents are public documents:—

1. Documents forming the Acts, or records of the Acts—

(i) of the sovereign authority,
(ii) of official bodies and tribunals, and
(iii) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

Private documents. 75. All other documents are private.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by

Certified copies of public documents.

Art II.—such officer with his name and his official title, and shall be sealed whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who, by the ordinary course of official duty, is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents.

78. The following public documents may be proved as follows:—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively, or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the Legislatures, by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government, by copies or extracts contained in the *London Gazette*, or purporting to be printed by the Queen's Printer:

(4.) The Acts of the executive or the proceedings of the legislature of a foreign country, by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India, by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be duly certified, by any officer in British India or by any officer in any Native State in alliance with Her Majesty who is duly authorised thereto by the Governor General in Council, to be genuine:

Presumption as to genuineness of certified copies.

Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements as to the circumstances under which it was taken purporting to be made by the person signing it are true, and that such evidence, statement or confession was duly taken.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held at the time when he signed it the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

and of every book purporting to contain reports of decisions of the Courts of such country.

Presumption as to collections of laws and reports of decisions.

Proof of maps made for purposes of any cause.

PART II.—

Proof.
Ch. 8.—Do-
cumentary Evi-
dence.

Presumptio-
as to Docu-
ments, ss. 85—
90.

Ch. 6.—Ex-
clusion of Oral
by Documen-
tary Evidence,
ss. 91—92.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

88. The Court may presume that a message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

89. The Court shall presume that every document, called for and not produced after notice to produce, was attested, stamped and executed in the manner required by law.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation.—Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section eighty-one.

Illustrations.

(a.) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his title to it. The custody is proper.

(b.) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(c.) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills under the Indian Succession Act may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence as to the same fact.

Illustrations.

(a.) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(b.) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(c.) If a bill of exchange is drawn in a set of three, one only need be proved.

(d.) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(e.) A gives B a receipt for money paid by B. Oral evidence is offered of the payment. The evidence is admissible.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Proviso (1).—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto; such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement as to any matter on which a document is silent and which is not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved, except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(a.) A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(b.) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1873. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(c.) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(d.) A enters into a contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(e.) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(f.) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(g.) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(h.) A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an Attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(i.) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(j.) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

93. When the language used in a document

Exclusion of evidence to explain or amend ambiguous document.

supply its defects.

is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or

Illustrations.

(a.) A agrees in writing to sell a horse to B for Rs. 1,000 or Rs. 1,500.

Evidence cannot be given to show which price was to be given.

(b.) A deed contains blanks. Evidence cannot be given of fact which would show how they were meant to be filled.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Exclusion of evidence against application of document to existing facts.

Illustration.

A sells to B by deed 'my estate at Rampore containing 100 bigas.' A has an estate at Rampore containing 100 bigas. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Evidence as to document unmeaning in reference to existing facts.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Evidence as to application of language which can apply to one only of several persons.

Illustrations.

(a.) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(b.) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Evidence as to meaning of illegible character, &c.

Illustration.

A, a sculptor, agrees to sell to B 'all my models.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

PART II.—
Proof.Ch. 6.—Ex-
clusion of Oral
by Document-
ary Evidence,
ss. 90—100.PART III.—
Production and
effect of Evi-
dence.Ch. 7.—Bur-
den of Proof,
ss. 101—111.

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865) as to the construction of wills.

PART III. PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(a.) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed. A must prove that B has committed the crime.

(b.) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true. A must prove the existence of those facts.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations.

(a.) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father. If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(b.) A sues B for money due on a bond. The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies. If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved. Therefore the burden of proof is on B.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(a.) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations.

(a.) A wishes to prove a dying declaration by B. A must prove B's death.

(b.) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Burden of proving that case of accused comes within exceptions.

Burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(a.) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act. The burden of proof is on A.

(b.) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control. The burden of proof is on A.

(c.) Section three hundred twenty-five of the Indian Penal Code provides that whoever except in the case provided for, by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing grievous hurt under section three hundred twenty-five.

The burden of proving the circumstances, bringing the case under section three hundred thirty-five, lies on A.

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Burden of proving fact especially within knowledge.

Illustrations.

(a.) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(b.) A is charged with travelling on a railway without a ticket. The burden of proving that he had a ticket is on him.

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

Burden of proving death of person known to have been alive within thirty years.

108. When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

Burden of proving that person is alive who has not been heard of for seven years.

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

Burden of proof as to partnership, tenancy, and agency.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Burden of proof as to ownership.

111. Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Proof of good faith in transactions where one party is in relation of active confidence.

PART III.—
Production and
Effect of Evi-
dence.
Ch. 7.—Bur-
den of Proof,
ss. 113—114.
Ch. 8.—Es-
toppel, ss. 115
—117.
Ch. 9.—Wit-
nesses, s. 118.

Illustrations.

(a.) The good faith of a sale by a client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.
(b.) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct, and public and private business in their relation to the facts of the particular case.

Illustrations.

The Court may presume—

(a.) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;
(b.) That an accomplice is unworthy of credit, unless he is corroborated in material particulars;
(c.) That a bill of exchange accepted or endorsed, was accepted or endorsed, for good consideration;
(d.) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence;
(e.) That judicial and official acts have been regularly performed;
(f.) That the common course of business has been followed, in particular cases;
(g.) That evidence which could be and is not produced would if produced, be unfavorable to the person who withholds it;
(h.) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavorable to him;
(i.) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before them:—

As to illustration (a)—A shop-keeper has in his till marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business.

As to illustration (b)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (d)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (e)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

As to illustration (f)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course:

As to illustration (e)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances:

As to illustration (f)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances:

As to illustration (g)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feeling and reputation of his family:

As to illustration (h)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:

As to illustration (i)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another

person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

116. No tenant of immoveable property, or person claiming through such

tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.—OF WITNESSES.

118. All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation.—A lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the questions put to him, and giving rational answers to them.

PART III.—
Production and
effect of Evi-
dence.
Ch. 9.—Wit-
nesses, ss. 119
-120.

119. A witness who is unable to speak, may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

120. In all civil proceedings the parties to the suit and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

(a.) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a superior Court.

(b.) A is accused before the Court of Session, of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the superior Court.

(c.) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

122. No person, who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married, nor shall he be permitted to disclose any such communication, unless the person who made it or his representative in interest consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

125. No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

126. No barrister, attorney, pleader or vakil, shall at any time, be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakil, by or on behalf of his client, or to state the contents or condition of

any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakil, in the course of his employment as such, showing that any crime or fraud has been committed since the commencement of his employment.

It is immaterial whether the attention of such barrister, attorney or vakil, was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased.

Illustrations.

(a.) A, a client, says to B, an attorney,—"I have committed forgery, and I wish you to defend me."

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(b.) A, a client, says to B, an attorney,—"I wish to obtain possession of property by the use of a forged deed on which I request you to sue."

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(c.) A being charged with embezzlement retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

127. The provisions of section one hundred and twenty-six shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakils.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section one hundred and twenty-six, and if any party to a suit or proceeding calls any such barrister, attorney or vakil as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney or vakil on matters which, but for such question, he would not be at liberty to disclose.

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

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131. No one shall be compelled to produce documents in his possession which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

133. An accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of any such law, by the discretion of the Court.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant, and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(a.) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(b.) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(c.) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(d.) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

Examination-in-chief.

The examination of a witness by the adverse party shall be called his cross-examination.

Cross-examination.

The examination of a witness, subsequent to the cross-examination by the party who called the witness, shall be called his re-examination.

Re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, the (if the party calling him so desires) re-examined.

Order of examinations.
 Direction of re-examination.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination, and if new matter is by permission of the Court introduced in re-examination, the adverse party may further cross-examine upon that matter.

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Cross-examination of person called to produce a document.

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

141. Any question suggesting the answer which the person who puts it wishes or expects to receive, is called a leading question.

Leading questions.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

When they must not be asked.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

143. Leading questions may be asked in cross-examination.

When they may be asked.

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property as to which he is giving evidence was not contained in a document; and if he says that it was, or if he is about to make any statement as to the contents of

Evidence as to matters in writing.

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any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B.
C deposes that he heard A say to B—'B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which

tend

- (1) to test his veracity,
- (2) to discover who he is and what is his position in life, or
- (3) to shake his credit by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1.) Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2.) Such questions are improper if the imputation which they convey relates to matters so remote in time or of such a character that the truth of the imputation would not affect or would affect in a slight degree the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3.) Such questions are improper if there is a great disproportion between the importance of the imputation made against the witnesses' character and the importance of his evidence.

(4.) The Court may, if it sees fit, draw from the witnesses' refusal to answer the inference, that the answer if given would be unfavourable.

149. No such question, as is referred to in section 148, ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(a.) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(b.) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(c.) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(d.) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakil or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil or attorney, is subject in the exercise of his profession.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(a.) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim. The evidence is inadmissible.

(b.) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.
 (c.) A affirms that on a certain day he saw B at Lahore.
 A is asked whether he himself was not on that day at Calcutta. He denies it.
 Evidence is offered to show that A was on that day at Calcutta.
 The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.
 In each of these cases the witness might, if his denial was false, be charged with giving false evidence.
 (d.) A is asked whether his family has not had a blood feud with the family of B, against whom he gives evidence.
 He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

154. The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

155. The credit of a witness may be impeached in the following ways by the adverse party, or with the consent of the Court by the party who calls him:—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(a) A sues B for the price of goods sold and delivered to B. C says that he delivered the goods to B.
 Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.
 The evidence is admissible.

(b) A is indicted for the murder of B.
 C says that B, when dying, declared that A had given B the wound of which he died.
 Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.
 The evidence is admissible.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before

any authority legally competent to investigate the fact, may be proved.

158. Whenever any statement, relevant under section thirty-two or thirty-three, is proved, all matters may be proved, either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

159. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transactions concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treatises.

160. A witness may also testify to facts mentioned in any such document as is mentioned in section 158, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

161. Any writing referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party if he requires it, such party may, if he pleases, cross-examine the witness thereupon.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it see fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If, for such a purpose, it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and if the interpreter disobey such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

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163. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

164. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards give the document as evidence without the consent of the other party or the order of the Court.

Illustration.

A sues B on an agreement and gives B notice to produce it. At the trial A calls for the document, and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

165. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases in any form at any time of any witness or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorize any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections one hundred and twenty-one to one hundred and thirty-one both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections one hundred and forty-eight or one hundred and forty-nine; nor shall he dispense with primary evidence of any document, except in the cases herein before excepted.

166. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses through or by leave of the Judge which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

167. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision; or that if the rejected evidence had been received, it ought not to have varied the decision.

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.
Stat. 26. Geo. III, c. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of his present Majesty (intituled, An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.
Stat. 14 & 15 Vic. c. 99.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
Act XV of 1852	To amend the Law of Evidence.	So much as has not been heretofore repealed.
Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
Act II of 1855 ...	For the further improvement of the Law of Evidence.	So much as has not been heretofore repealed.
Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
Act I of 1868 ...	The General Clauses Act, 1868.	Sections seven and eight.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the
Govr. Genl. for making Laws
and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd March 1872, and is hereby promulgated for general information:—

Act No. III of 1872.

An Act to provide a form of Marriage in certain cases.

WHEREAS it is expedient to provide a form of marriage for persons who do not profess the Christian, Jewish, Hindú, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion, and to legalize certain marriages the validity of which is doubtful; It is hereby enacted as follows:—

1. This Act extends to the whole of British India, and shall come into force on the passing thereof.

2. Marriages may be celebrated under this Act between persons neither of whom professes the Christian or the Jewish, or the Hindú or the Muhammadan, or the Parsi or the Buddhist, or the Sikh or the Jaina religion, upon the following conditions:—

(1).—Neither party must, at the time of the marriage, have a husband or wife living:

(2).—The man must have completed his age of eighteen years, and the woman her age of fourteen years, according to the Gregorian calendar:

(3).—Each party must, if he or she has not completed the age of twenty-one years, have obtained the consent of his or her father or guardian to the marriage:

(4).—The parties must not be related to each other in any degree of consanguinity or affinity which would, according to any law to which either of them is subject, render a marriage between them illegal.

1st Proviso.—No such law or custom, other than one relating to consanguinity or affinity, shall prevent them from marrying.

2nd Proviso.—No law or custom as to consanguinity shall prevent them from marrying, unless a relationship can be traced between the parties through some common ancestor, who stands to each of them in a nearer relationship than that of great-great-grand-father or great-great-grand-mother, or unless one of the parties is the lineal ancestor, or the brother or sister of some lineal ancestor, of the other.

3. The Local Government may appoint one or more Registrars under this Act, either by name or as holding any office for the time being, for any portion of the territory subject to its administration. The officer so appointed shall be called 'Registrar of Marriages under Act III of 1872,' and is hereinafter referred to as 'the Registrar.' The portion of territory for which any such officer is appointed shall be deemed his district.

4. When a marriage is intended to be solemnized under this Act, one of the parties must give notice in writing to the Registrar, before whom it is to be solemnized.

The Registrar to whom such notice is given must be the Registrar of a district within which one at least of the parties to the marriage has resided for fourteen days before such notice is given.

Such notice may be in the form given in the first schedule to this Act.

5. The Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of every such notice in a book to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book under Act III of 1872," and such book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

6. Fourteen days after notice of an intended marriage has been given under section four, such marriage may be solemnized, unless it has been previously objected to in the manner hereinafter mentioned.

Any person may object to any such marriage on the ground that it would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two.

The nature of the objection made shall be recorded in writing by the Registrar in the register, and shall, if necessary, be read over and explained to the person making the objection, and shall be signed by him or on his behalf.

7. On receipt of such notice of objection the Registrar shall not proceed to solemnize the marriage until the lapse of fourteen days from the receipt of such objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, until the lapse of fourteen days from the opening of such Court.

The person objecting to the intended marriage may file a suit in any Civil Court having local jurisdiction (other than a Court of Small Causes) for a declaratory decree, declaring that such marriage would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two.

8. The officer before whom such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been filed. If such certificate be lodged with the Registrar within fourteen days from the receipt of notice of objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, within fourteen days of the opening of such Court, the marriage shall not be solemnized till the decision of such Court has been given and the period, allowed by law for appeals from such decision, has elapsed; or, if there be an appeal from such decision, till the decision of the Appellate Court has been given.

If such certificate be not lodged in the manner and within the period prescribed in the last preceding paragraph, or if the decision of the Court

be that such marriage would not contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two, such marriage may be solemnized.

If the decision of such Court be that the marriage in question would contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two, the marriage shall not be solemnized.

9. Any Court, in which any such suit as is referred to in section seven is filed, may, if it shall appear to it that the objection was not reasonable and *bond fide*, inflict a fine, not exceeding one thousand rupees, on the person objecting, and award it, or any part of it, to the parties to the intended marriage.

10. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Registrar, sign a declaration in the form contained in the second schedule to this Act. If either party has not completed the age of twenty-one years, the declaration shall also be signed by his or her father or guardian, except in the case of a widow, and, in every case, it shall be countersigned by the Registrar.

11. The marriage shall be solemnized in the presence of the Registrar and of the three witnesses who signed the declaration. It may be solemnized in any form, provided that each party says to the other, in the presence and hearing of the Registrar and witnesses, 'I, [A,] take thee, [B,] to be my lawful wife (or husband).'

12. The marriage may be celebrated either at the office of the Registrar or at such other place, within reasonable distance of the office of the Registrar, as the parties desire. Provided that the Local Government may prescribe the conditions under which such marriages may be solemnized at places other than the Registrar's office, and the additional fees to be paid thereupon.

13. When the marriage has been solemnized, the Registrar shall enter a certificate thereof in a book to be kept by him for that purpose and to be called the 'Marriage Certificate Book under Act III of 1872,' in the form given in the third schedule to this Act, and such certificate shall be signed by the parties to the marriage and the three witnesses.

14. The Local Government shall prescribe the fees to be paid to the Registrar for the duties to be discharged by him under this Act.

The Registrar may, if he think fit, demand payment of any such fee before solemnization of the marriage or performance of any other duty in respect of which it is payable.

The said Marriage Certificate Book shall at all reasonable times be open for inspection, and shall be admissible as evidence of the truth of the statements therein contained. Certified extracts therefrom shall on application be given by the Registrar

on the payment to him by the applicant of a fee to be fixed by the Local Government for each such extract.

15. Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act, shall be deemed to have committed an offence under section four hundred and ninety-four or section four hundred and ninety-five of the Indian Penal Code, as the case may be; and the marriage so solemnized is void.

16. Every person married under this Act who, during the lifetime of his or her wife or husband, contracts any other marriage, shall be subject to the penalties provided in sections four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code for the offence of marrying again during the lifetime of a husband or wife, whatever may be the religion which he or she professed at the time of such second marriage.

17. The Indian Divorce Act shall apply to all marriages contracted under this Act, and any such marriages may be declared null or dissolved in the manner therein provided, and for the causes therein mentioned, or on the ground that it contravenes some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two of this Act.

18. The issue of marriages solemnized under this Act shall, if they marry under this Act, be deemed to be subject to the law to which their fathers were subject as to the prohibition of marriages by reason of consanguinity and affinity, and the provisions to section two of this Act shall apply to them.

19. Nothing in this Act contained shall affect the validity of any marriage solemnized otherwise than under Act. provisions; nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage; but if the validity of any such mode shall hereafter come into question before any Court, such question shall be decided as if this Act had not been passed.

20. All persons who have heretofore contracted marriages in the presence of at least two witnesses, according to any form whatever, may at any time, previous to the first day of January 1873, have such marriages registered under this Act, and such marriages shall thereupon be deemed to be and to have been as valid as if they had been contracted and solemnized under this Act: Provided that persons who have such marriages registered under this section must, on such registry, sign a declaration in the form given in the fourth schedule to this Act.

No marriage shall be registered under this section unless conditions (1), (3) and (4) of section two were complied with; and no such marriage shall be registered under this section if, during its continuance, either party has contracted a subsequent marriage.

21. Every person making, signing or attesting

Penalty for signing declarations or certificates containing false statements.

any declaration or certificate prescribed by this Act, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of the offence described in section one hundred and ninety-nine of the Indian Penal Code.

FIRST SCHEDULE.

(See Section 4).

NOTICE OF MARRIAGE.

To _____ a Registrar of Marriages under Act III of 1872 for the _____ District.

I hereby give you notice that a marriage under Act III of 1872, is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.
A B	Unmarried. Widower.	Landowner.	Of full age.	.....	23 days.
C D	Spinster.	.....	Minor.	.....	.....

Witness my hand, this _____ day of 187 .

(Signed) A. B.

SECOND SCHEDULE.

(See Section 10).

Declaration to be made by the Bridegroom.

I, A B, hereby declare as follows :—

1. I am at the present time unmarried :
2. I do not profess the Christian, Jewish, Hindú, Muhammadan, Pársi, Buddhist, Sikh or Jaina religion.
3. I have completed my age of eighteen years :
4. I am not related to C D [the bride] in any degree of consanguinity or affinity which would, according to the law to which I am subject,

or to which the said C D is subject, and subject to the provisos of clause (4) of section two of Act III of 1872, render a marriage between us illegal :

[And when the bridegroom has not completed his age of twenty-one years :

5. The consent of my father [or guardian, as the case may be] has been given to a marriage between myself and C D, and has not been revoked.]

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(Signed) A B (the bridegroom).

Declaration to be made by the Bride :—

I, C D, hereby declare as follows :—

1. I am at the present time unmarried :
2. I do not profess the Christian, Jewish, Hindú, Muhammadan, Pársi, Buddhist, Sikh or Jaina religion.
3. I have completed my age of fourteen years :
4. I am not related to A B [the bridegroom] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said A B is subject, and subject to the provisos of clause (4) of section two of Act III of 1872, render a marriage between us illegal.

[And when the bride has not completed her age of twenty-one years, unless she is a widow :

5. The consent of M N my father [or guardian, as the case may be], has been given to a marriage between myself and A B, and has not been revoked.]

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

Signed in our presence by the abovenamed A B and C D :

G H, }
I J, } (three witnesses).
K L, }

[And when the bridegroom or bride has not completed the age of twenty-one years, except in the case of a widow :

Signed in my presence and with my consent by the above A B and C D :

M N, the father [or guardian] of the abovenamed A B [or C D, as the case may be].
(Countersigned) E F,

Registrar of Marriages under Act III of 1872 for the District of _____

Dated the _____ day of _____ 18 .

THIRD SCHEDULE.

(See section 13).

Registrar's Certificate.

I, E F, certify that, on the _____ of 18 _____ appeared before me A B and C D, each of whom in my presence and in the presence of

three credible witnesses, whose names are signed hereunder, made the declarations required by Act III of 1872, and that a marriage under the said Act was solemnized between them in my presence.

(Signed) *E F*,

Registrar of Marriages under Act III
of 1872 for the District of

(Signed) *A B*,
C D,

G H,
I J, } (three witnesses).
K L, }

Dated the day of 18 .

FOURTH SCHEDULE.

(See section 20).

Declaration to be made by the Husband.

I, *A B*, hereby declare as follows:—

1. I was married to *C D* at (*place*), on or about (*date*) in the presence of (*two witnesses*):

2. I was, at the time of my marriage to my wife, *C D*, unmarried:

3. I did not at such time profess the Christian, Jewish, Hindú, Muhammadan, Pársi, Buddhist, Sikh or Jaina religion:

4. I have not contracted any subsequent marriage:

5. I am not related to *C D* [*the wife*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *C D* is subject, and subject to the provisos of clause (4) of section two of Act III of 1872, render a marriage between us illegal:

[*And when the bridegroom had not completed his age of twenty-one years:*

6. The consent of my father [*or guardian, as the case may be*], had been given to a marriage between myself and *C D*, and had not been revoked.]

7. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(Signed) *A B* (*the husband*).

Declaration to be made by the Wife:—

I, *C D*, hereby declare as follows:—

1. I was married to *A B* at (*place*), on or about (*date*) in the presence of (*two witnesses*):

2. I was, at the time of my marriage to my husband, *A B*, unmarried:

3. I did not at such time profess the Christian, Jewish, Hindú, Muhammadan, Pársi, Buddhist, Sikh or Jaina religion:

4. I have not contracted any subsequent marriage:

5. I am not related to *A B* [*the husband*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *A B* is subject, and subject to the provisos of clause (4) of section two of Act III of 1872, render a marriage between us illegal.

[*And when the bride had not, at the time of her marriage, completed her age of twenty-one years, unless she was then a widow:*

6. The consent of *M N* my father [*or guardian, as the case may be*] had at such time been given to a marriage between myself and *A B*, and had not been revoked:]

7. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

Signed in our presence by the abovenamed *A B* and *C D*:

G H,
I J, } (*two witnesses*).

(Countersigned) *E F*,

Registrar of Marriages under Act III
of 1872 for the District of

Dated the day of 18 .

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the
Govr. Genl. for making Laws
and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in two months:—

No. 6 of 1872.

A Bill to consolidate and amend the law relating to the admission of appeals to Her Majesty in Council from judgments and orders of the Civil Courts.

WHEREAS it is expedient to consolidate and amend the law by which the admission of appeals to Her Majesty in Council from certain judgments and orders of the Civil Courts throughout British India is regulated; It is hereby enacted as follows:—

Preamble.

Short title.

1. This Act shall be called
"The Privy Councils Appeals
Act, 1872."

It extends to the whole of British India, but shall not apply to suits tried by a High Court in any of the Presidency Towns in the exercise of its ordinary original jurisdiction;

Commencement.

and shall come into force
on the passing thereof.

2. The several enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof.

3. If any person desires to prefer an appeal to Her Majesty in Council from any final judgment, decree, or order made on appeal or revision by any High Court or other Court of final appellate jurisdiction in India under the law for the time being in force relating to appeals, or from any final judgment, decree, or order made by a High Court in the exercise of its original jurisdiction, in any suit in which the amount or value of the subject-matter in dispute exceeds ten thousand rupees, or such amount as may be fixed as the limit for such appeals from time to time by the orders of Her Majesty in Council,

or in which such judgment, decree, or order involves directly or indirectly any claim, demand, or question to or respecting property the amount or value of which is not less than ten thousand rupees, or such other amount as aforesaid,

or from any other final judgment, decree, or order made either on appeal or otherwise when the High Court declares that the case is a fit one for appeal to Her Majesty in Council,

and the application for the admission of the appeal is presented within six months from the date of the judgment, decree, or order appealed from,

the Court shall admit such appeal subject to such rules and orders as may be made from time to time by Her Majesty in Council in regard to the disposal of such appeals.

4. When the High Court or other Court as aforesaid has admitted any such appeal as is mentioned in the last preceding section, it shall forthwith cause notice of such appeal having been made to be given to the opposite party in the suit to which the appeal relates.

5. If application be made to that effect, the Court may either direct the judgment or order against which an appeal has been preferred to be enforced, sufficient security being taken for the performance of such decree or order as Her Majesty in Council may make on the appeal; or it may direct, on like security being given, that no injunction for the enforcement of the judgment or order shall be issued pending the result of the appeal, or that if any such injunction has been issued, its execution shall, so far as may be practicable, be suspended.

6. In either case, the Court shall require the appellant to give security for the payment of such costs as it may think likely to be incurred by the appeal within such period, not exceeding six months from the date of the judgment or order appealed from, as to it may seem fit.

7. Any person who desires to prefer an appeal to Her Majesty in either of the cases hereinbefore mentioned, may present a petition to the High Court or other Court as aforesaid for the purpose of obtaining

security from the opposite party for staying execution of the judgment, decree or order against which he is about to appeal, within six months from the date of such judgment, decree or order.

8. If at any time during the pendency of such appeal the security taken is from any cause shewn to be inadequate, the Court which has admitted such appeal may, on the application of the opposite party, require further security; and may, in default of such further security being given, if the original security was furnished by the appellant, enforce the judgment, decree or order against which an appeal has been made as if no such security had been given; if the original security was given by the respondent, the Court shall, so far as may be practicable, compel him to deliver the property to which the appeal relates, and such property shall be dealt with according to the rules in force applicable to such case.

9. In every appeal under this Act, the Court shall certify and transmit to Her Majesty in Council under the seal of the Court two correct copies of all evidence, proceedings, judgments, decrees and orders taken, held or made in the suit or case appealed so far as the same are relevant to the matters of appeal, together with a copy of the reasons recorded by such Court for or against the judgment, decree or order against which the appeal has been preferred. The expense of preparing the said copies and of translating so much of the original documents as are not in that language, shall be defrayed by the party prosecuting the appeal; and the amount required to cover such expense shall be deposited by the appellant within the period allowed for furnishing security for the costs of the appeal;

Until such deposit is made, the appeal shall not be admitted.

No appeal until deposit made.

10. The orders or decrees of Her Majesty in Council when duly certified shall be enforced and executed subject to the directions of the High Court or other Court as aforesaid, by the Judge by whom the suit was originally tried in the manner and according to the rules and laws applicable to the execution of original orders or decrees made by such Judge.

11. Any person who desires to enforce or obtain the execution of any such decree or order made in appeal as aforesaid, shall present a petition to the Court which made the first decree or order appealed from, and the said petition shall be accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed.

12. An appeal shall lie from any decree or order made by such last mentioned Court relating to the enforcement or execution of any such decree or order made in appeal as hereinbefore mentioned, in

the same manner and subject to the same rules as an appeal from a decree or order made upon a petition for the enforcement or execution of the decree or order first appealed from.

SCHEDULE.
ENACTMENTS REPEALED.

No. and year of enactment.	Title.	Extent of repeal.
Bengal Regulation XVI of 1797.	A Regulation respecting Appeals from the Court of Sudder Dewanny Adawlut to his Most Excellent Majesty and his Most Honourable Privy Council.	The whole.
" V of 1803.	A Regulation for empowering the Sudder Dewanny Adawlut to try Appeals from the Decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company; and for extending the Jurisdiction of the Sudder Dewanny Adawlut over the said Provinces, and all the Civil Courts established therein.	The whole.
Madras Regulation VIII of 1818.	A Regulation prescribing the Rules under which Appeals may be preferred to the King's Most Excellent Majesty in his Privy Council, from the Decisions of the Court of Sudder Adawlut at Fort Saint George.	The whole.
Bombay Regulation IV of 1827.	A Regulation prescribing the Forms of Proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the Trial of the same.	Section 100.
Act II of 1844.	An Act respecting the Expenses of preparing Copies of Proceedings in Appeals.	The whole.
Act XXV of 1852.	An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.	So much as is not repealed.
Act II of 1863	An Act to regulate the admission of Appeals to Her Majesty in Council from certain Judgments and Orders in Provinces not subject to the General Regulations.	The whole.

STATEMENT OF OBJECTS AND REASONS.

The law relating to the admission and transmission of appeals from the judgments and orders of the Civil Courts in India to Her Majesty in Council is distributed over the following enactments, namely—

Bengal Regulation XVI of 1797	In force in the Regulation territories.
and Regulation V of 1803	
Madras Regulation VIII of 1818	
Bombay Regulation IV of 1827,	
Section 100	
Act II of 1844	...
Act XXV of 1852	...

And Act II of 1863... In force in the Non-Regulation Provinces.

The chief object of the Bill is to reduce into one Act the provisions of these several enactments, with such alterations of a purely verbal character or of arrangement as are incidental to the work of consolidation.

In consequence of the recent alteration of the law relating to appeals in Oudh—an alteration which is likely to be extended soon to British Burma—it has become necessary also to provide for the admission of appeals from the decrees and orders of Courts of final jurisdiction under the law for the time being in force relating to appeals, as the existing rules of procedure in respect of the admission of appeals to the Privy Council apply only to appeals from the decrees or orders of the Courts of highest civil jurisdiction.

F. R. COCKERELL.

The 8th March 1872.

H. S. CUNNINGHAM,

*Offg. Secy. to the Council of the
Govr. Genl. for making Laws
and Regulations.*

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in two months:—

No. 7 of 1872.

A Bill to consolidate and amend the Law relating to the Redemption and Foreclosure of Mortgages.

WHEREAS it is expedient to consolidate and amend the law relating to the redemption and foreclosure of mortgages in the territories in which the Bengal Regulations are directly or indirectly in force; It is hereby enacted as follows:—

Short title. 1. This Act may be called "The Mortgage Procedure Act, 1872;"

Extent. It extends to the territories subject to the control of the Lieutenant-Governors of Bengal, the North-Western Provinces and the Panjáb, respectively, and to Oudh and the Central Provinces; and it shall come into force on the passing thereof.

Enactments repealed. 2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

Mortgagor of landed property desiring to redeem it, may deposit amount of debt within year after due date. 3. Any person who has, by conditional sale or otherwise, mortgaged any landed property, and is desirous of redeeming the same, may deposit the amount due on account of principal and interest (if any) in respect of such mortgage in the chief Civil Court of the district in which the mortgaged land is situated, at any time within one year from the latest date fixed for the re-payment of the loan.

The Court shall receive such deposit and cause a written notice of the same to be delivered to the mortgagee.

The deposit so made shall be deemed to preserve to the mortgagor the right of redeeming his property, and if the land is in the possession of the mortgagee, the mortgagor shall be entitled to recover possession subject to such adjustment of accounts as may be required under the terms of the mortgage.

4. When any person in whose favour a deed of mortgage and conditional sale of landed property has been executed is desirous of foreclosing the mortgage and rendering the sale absolute, he may, on or after the expiration of the period stipulated for the repayment of the consideration for which the mortgage was executed, institute a suit in any Court of competent jurisdiction for the foreclosure of the mortgage.

5. If the Court makes a decree of foreclosure in such suit, the foreclosure shall be conditional on the non-payment by the mortgagor of such amount as the Court finds to be due

by him to the mortgagee, within one year from the date on which the mortgagor received notice of the institution of the suit.

STATEMENT OF OBJECTS AND REASONS.

The procedure relating to the preservation of the right of redemption of mortgaged property and to foreclosure in force in the Bengal Presidency is prescribed by the Bengal Regulations I of 1798, XXXIV of 1803 and XVII of 1806.

The object of the proposed legislation is (1st) to consolidate the law by which this procedure is regulated; and, (2nd), to amend the procedure by assimilating it in a certain measure to the English law on this subject.

F. B. COCKERELL.

The 18th March 1872.

H. S. CUNNINGHAM,

*Offg. Secy. to the Council of the
Govt. Genl. for making Laws
and Regulations.*

The following Report of a Select Committee, together with the Bill as settled by them was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 5th March 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor

Petition from certain Muhammadans of Calcutta and its suburbs, dated 9th November 1870.

Memorial from certain ship-owners of Bombay.

Opinion of the Advocate General, Bengal, dated 12th November 1870.

Endorsement, Department of Agriculture, Revenue and Commerce, No. 34, dated 14th July 1871, forwarding telegrams from Home Department, Nos. 5095 and 5124, dated 23rd and 22nd November 1870.

From Officiating Secretary to Government, Home Department, No. 5615, dated 20th December 1870.

From Advocate General, Calcutta, dated 9th January 1871.

Circular from Home Department, Nos. 733 to 736, dated 7th January 1871.

From Acting Chief Secretary to Government, Madras, No. 113, dated 19th April 1871, and enclosure.

From Chief Secretary to Government, Bombay, No. 1541, dated 18th June 1871, and enclosure.

From Officiating Under Secretary to Government, Bengal, No. 612, dated 26th February 1871, and enclosure.

From Secretary to Chief Commissioner, British Burma, No. 540-6, dated 27th February 1871.

Note by Hon'ble F. S. Chapman, dated 5th December 1871.

From Secretary to Government, Madras, No. 177, dated 18th December 1871, and enclosure.

From Secretary to Government, Madras, No. 2, dated 5th January 1872.

From Secretary to Government, Bengal, No. 163, dated 13th January 1872, and enclosure.

Deputi-official letter from Hon'ble F. S. Chapman, dated 10th January 1872, forwarding Resolution of the Government of Bombay (General Department), No. 52, dated 15th January 1872, and enclosure.

From Secretary to Government, Bengal, No. 204, dated 18th January 1872, and enclosure.

From Acting Chief Secretary to Government, Bombay, No. 424, dated 26th January 1872, and enclosure.

Telegram from Chief Secretary to Government, Bombay, No. 425, dated 26th January 1872.

From Secretary to Government, Bombay, No. 771, dated 16th February 1872, forwarding letter from Chamber of Commerce, dated 7th February 1872.

General of India for the purpose of making Laws and Regulations, to which the Bill to amend Act XII of 1870 (the Native Passenger Ships Act) was referred, have the honour to report that we have considered the Bill and the papers noted in the margin, and beg to recommend the following alterations:—

2. We consider that the scope of chapter II of the Bill might, with advantage, be enlarged, so as to include—

1st, all sea-going vessels, without distinction, except ships-of-war or transports;

2nd, all sea-going vessels which may depart from any port or place in British India or in the dominions of Princes and States in India in alliance with Her Majesty to any port or place whatever, whether in the Red Sea or elsewhere, and whether owned by or commanded by Native Indian subjects of Her Majesty or by others.

3. We propose to alter the definition of "Native Passenger Ship" so as to mean vessels

carrying more than sixty Native passengers, and to provide that servants in attendance

on their masters are not to be counted as Native passengers. By this alteration, we consider we shall meet any objection which the Peninsular and Oriental, the British India and other large and well regulated Steam Navigation Companies might otherwise reasonably offer to being brought under the provisions of the Act.

4. We propose that the quantity of stored water shall not, even when the vessel is provided with a serviceable condenser, be less than at the rate of four gallons per head per week.

5. With a view to the case of ships owned by persons other than British subjects, we have provided that, when a Convention between the Indian and Turkish Governments has been entered into, to the effect that all Masters of Native Passenger Ships leaving a Turkish port for an Indian port, shall execute a bond binding them to touch at Aden and get a clean bill of health from that place, the Master of any such vessel arriving without such clean bill of health, shall be liable forthwith to pay the full penalty of the bond.

6. We recommend that the Bill as thus amended be passed.

F. S. CHAPMAN.

J. F. STEPHEN.

R. STEWART.

J. R. BULLEN SMITH.

F. R. COCKERELL.

The 5th March 1872.

A Bill to amend Act XII of 1870 (the Native Passenger Ships Act).

WHEREAS it is expedient to amend Act XII of 1870 (the Native Passenger Ships Act); It is hereby enacted as follows :—

Amendment of sec. 2.
Act XII of 1870.

1. Instead of section two of the said Act, the following shall be read :

"2. This Act extends to British India and applies also to all subjects of Her Majesty within the dominions of Princes and States in alliance with Her Majesty, and to all Native Indian subjects of Her Majesty without and beyond British India.

"Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty, or to any Ship-of-War belonging to any Foreign Prince or State, or to any ship under contract with the Government of any European State."

Amendment of sec. 4. 2. Instead of the last paragraph of section four of the said Act, the following shall be read :

"The words 'Native Passenger Ship' mean a 'Native Passenger vessel, whether sailing or steam, carrying more than sixty passengers, being natives of Asia or Africa; provided that no person in attendance upon another person other than a native of India, shall be deemed a passenger for the purposes of this section.'"

3. After section twelve of the said Act, the following proviso shall be added :

"Provided that, in the case of Steam Ships, the officer aforesaid may, if under the circumstances of the case he thinks fit, reduce the space to be appropriated to passengers in the between decks under the requirements of this section, to a space containing at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board."

4. After section twenty-one of the said Act, the following proviso shall be added :

"Provided also that, in the case of Steam Ships provided with a condenser, the officer authorised in that behalf may, if under the circumstances of the case he thinks fit, reduce the amount of water to be provided under the requirements of this section to an amount not less than four gallons to every week of the declared duration of the voyage, for every passenger on board."

Addition after sec- 5. After section twenty- tion 20. six of the said Act, the following shall be read :—

26A. Whenever a Convention shall have been entered into between the Governor General of India in Council and the Turkish Government that every Master of a Native Passenger Ship leaving a Turkish port or place and bound for

Penalty on Master of Turkish Ship bound from Turkish to Indian port entering latter without clean bill of health in breach of Convention.

any port or place in British India, whether it be owned by a subject of Her Majesty or not, shall execute a bond binding him in a penalty to touch at Aden, and not to proceed thence without a clean bill of health obtained in the manner provided in section twenty-five, any Master of any such ship, whether he be a subject of Her Majesty or not, who shall come into any port or place in British India without such clean bill of health, may be taken by the officer in charge of such port or place before any Magistrate having local jurisdiction, and on proof that such Master has come from a Turkish port or place, such Magistrate shall presume that such bond was duly executed by such Master, and in default of production of such clean bill of health, shall presume that the penalty mentioned in such bond has been incurred, and may award the full amount or any part of such penalty against such Master, and, in default of payment of such penalty, may recover it as though it were a fine imposed under this Act.

Act to be read as part
of Act XII of 1870.

6. This Act shall be read
as part of Act XII of 1870.

H. S. CUNNINGHAM,

*Offg. Secy. to the Council of the
Govr. Genl. for making Laws
and Regulations.*

Government of Bengal.

LEGISLATIVE DEPARTMENT.

The following Act of the Lieutenant Governor of Bengal in Council received the assent of His Honor on the 1st February 1872, and having been assented to by His Excellency the Governor General on the 7th March 1872, is hereby promulgated for general information:—

ACT No. I OF 1872.

An Act to extend the borrowing powers of the Justices of the Peace for the Town of Calcutta, and to provide for the repayment of municipal debt.

WHEREAS it is expedient to increase the amount which the Justices are authorized to borrow, by way of debentures or otherwise, under the provisions of Section 9 of Act IX of 1867, passed by the Lieutenant-Governor of Bengal in Council, and whereas it is expedient to provide for the repayment of municipal debentures and loans; It is hereby enacted as follows:—

Preamble.
1. In the said section, for the words "sum of fifty-five lakhs of rupees," wherever such words occur, shall be substituted the words "sum of eighty-five lakhs of rupees;" and the said section shall be hereafter read and construed as if the words hereby directed to be substituted were inserted in place of the words for which they are hereby directed to be substituted.

2. So soon as the aggregate sums from time to time borrowed by the Justices by way of debenture or otherwise, exclusive of any sums now due by them to the Secretary of

State for India in Council, shall amount to the said sum of eighty-five lakhs of rupees, the borrowing powers of the Justices shall thereupon cease and determine, save so far as they are hereinafter expressly reserved.

3. The Justices shall be bound to set aside yearly out of their annual income, before making any disbursements in respect thereof, a sum of not less than two per cent. on the total sum borrowed by the Justices, exclusive of the sum now due by them to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year. And they shall invest the surplus (if any) of the said sum after repayment as aforesaid; or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in Government securities or in any securities guaranteed by Government, or in Calcutta Municipal debentures in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of the Government of Bengal, respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the several loans contracted or debentures issued by the Justices. And all moneys and securities now held by any Trustees appointed by the said Justices for the purpose of paying off any portion of the said fifty-five lakhs shall be forthwith transferred to the Trustees under this Act, and invested in their names and held by them upon the trusts hereinbefore declared. All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust.

4. It shall be the duty of the Trustees from time to time, whenever any loans or debentures shall fall due by the Justices, to realize the whole or a sufficient portion of the securities held by them as aforesaid, and appropriate the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures. In case any balance in respect of such loans or debentures so falling due as aforesaid shall remain unsatisfied after appropriation thereto of the sale proceeds of the whole of such securities, then the Justices may, for the purpose of paying such unsatisfied balance, issue new debentures in manner as is provided by Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council, section 93, clause 3, or otherwise contract new loans for any sum not exceeding such amount as may be necessary for the purpose aforesaid.

5. The Trustees shall at the end of every year submit a statement to the Justices showing the amount which has been invested during the year under the third section of this Act, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans. Such statement shall be laid before the Justices and published in the *Calcutta Gazette*.

6. This Act shall be read with and as part of Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council, and of the said Act IX of 1867.

HERBERT COWELL,
Asst. Secy. to the Govt. of Bengal.
Legislative Department.

THE following Act of the Lieutenant Governor of Bengal in Council received the assent of His Honor on the 18th February 1872, and having been assented to by His Excellency the Governor General on the 12th March 1872, is hereby promulgated for general information:—

ACT No. II OF 1872.

An Act to amend the law for the registration of Jute Warehouses and to provide for the establishment of an efficient Fire-brigade.

WHEREAS it is expedient to amend so much of Act VI of 1866, passed by the Lieutenant-Governor of Bengal in Council, as provides for the registering and licensing of jute warehouses; and whereas it is expedient to provide for the organization and maintenance of a Fire-brigade; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The Jute Warehouse and Fire-brigade Act, 1872."

It extends to the whole of the town of Calcutta, and to such portions of the Suburbs thereof as are for the time being subject to the operation of Act II of 1866, passed by the Lieutenant-Governor of Bengal in Council, and also to the Municipality of Howrah. And it shall commence and take effect, except in the Municipality of Howrah, immediately upon the passing thereof. In the said Municipality it shall commence and take effect from such date as the Lieutenant-Governor may direct by notification published in the *Calcutta Gazette*.

2. The words mentioned in this section shall have the meanings herein assigned to them, except when from the context a contrary intention appears.

"Jute" and "Cotton" mean respectively

"Jute" and "Cotton" which have not been pressed or screwed as if for shipment.

"Person" includes a firm and a Hindu undivided family.

"Insurance Company" means any Association or person who may carry on the business of fire insurance, whether such Association be incorporated or not, and the agent or agents of such Association or person.

"Magistrate" includes a Justice of the Peace for Calcutta, and any person exercising all or any of the powers of a Magistrate.

"Jute Warehouse" means any warehouse, store, dépôt, yard, godown or other place used for the storing, keeping, pressing, or depositing of jute or cotton

or other substance for the time being subject to the operation of this Act.

3. From and after the 31st July next after the passing of this Act, sections 38, 39, 40, and 41, of Act VI of 1866, passed by the Lieutenant-Governor of Bengal in Council, are hereby repealed, but such repeal shall not affect any registration made, or any act or offence done or committed, or any penalty or liability incurred under the said sections.

PART II.

JUTE WAREHOUSES.

4. No jute warehouse, existing at the date of the commencement of this Act within the limits of its operation, shall be used after the 31st July next following such date for the storing, keeping, pressing, or depositing of jute or cotton, unless the owner or occupier thereof shall have previously obtained a license under this Act for such use.

5. As soon as may be after the passing of this Act the Justices at a special meeting shall appoint from their own number a special committee, consisting of seven members, one of whom must be the Chairman of the Justices, whose duty it shall be to visit, inspect, and report on every jute warehouse existing within the town of Calcutta. And the special Committee shall report before the 15th day of the said month of July to the Justices whether a license can be granted to all or any such warehouses without risk to life and property in the neighbourhood thereof respectively. No jute warehouse shall be reported upon by the special committee until it shall have been visited by a quorum of not less than three members of the special committee. The Justices at a special meeting may award such fee as they may think fit to each member of the special committee, not being a salaried member of the corporation of Justices.

6. On receiving the report of the committee it shall be within the discretion of the Justices at a special meeting to grant or refuse a license for any jute warehouse mentioned in the said report. Provided that if in the opinion of the Justices the said jute warehouse may be rendered fit for use without risk to life or property in the neighbourhood thereof the Justices shall certify to the owner and occupier thereof the conditions and restrictions under which the said jute warehouse may in their opinion be so rendered fit for use, and upon the said owner or occupier complying with the terms of such conditions and restrictions to the satisfaction of the Justices at a special meeting they shall grant to him a license in respect thereof. Every license granted under this section shall be subject to the payment of an annual fee to be imposed and paid in manner as in the next succeeding section is directed, and to such other of the conditions mentioned therein as the Justices may think fit.

7. Any person proposing to establish a new jute warehouse within the town of Calcutta shall send to the Justices a plan of the warehouse so proposed to be established, and

it shall be within the discretion of the Justices at a special meeting to grant or refuse a license to establish the same.

Every license for a jute warehouse granted under this section shall be subject to the following conditions, *viz.* :—

(1.) That no loose jute, jute rejections or cuttings, or cotton, shall be stored or screwed, or pressed or combed or dried, save within a building, the walls of which shall be of burnt bricks or of stone or of iron, and all the roof of which, including the beams on which such roof rests, shall be of iron, or of masonry or of tiles;

(2.) That such jute warehouse and the buildings therein shall be supplied with solid doors or gates which can be securely closed;

(3.) That no portion of such jute warehouse shall be used as a residence, and no artificial light or lucifer matches shall be introduced therein, and that no person shall smoke therein;

(4.) That such jute warehouse shall be at any time open to inspection;

(5.) That the engines and furnaces used in such jute warehouse shall be placed as may be considered necessary for safety by the Justices;

(6.) That an annual fee, as the Justices at a special meeting may think fit, shall be imposed in respect thereof at one of the following rates, *viz.* :—

Rupees	...	1,000
"	...	750
"	...	500
"	...	250

and shall be paid in such instalments as the Justices may direct.

In fixing the amount of fee to be paid in respect of any jute warehouse, the Justices at such special meeting shall have regard to the annual value thereof as it is for the time being assessed to the payment of municipal taxes, to the size and position of the jute warehouse, to the number and excellence of the pressing machines erected in such jute warehouse, and to the probable income derived from such jute warehouse by its occupier or owner.

(7.) Such other special conditions as the Justices may, on consideration of the special circumstances of such jute warehouse, deem necessary to prevent risk to life and property in the neighbourhood.

8. The Justices shall appoint suitable officers for the inspection of jute warehouses within the town of Calcutta; and it shall be lawful for any officer so appointed, and for any superintendent or inspector of police within the said town, to enter at any time into any jute warehouse, where jute or cotton may be kept, and to inspect the same.

9. It shall be in the discretion of the Justices at a special meeting to cancel, or to suspend for such time as they shall think fit, the license of any jute warehouse in respect of which any one or more of the conditions under which such license has been granted shall appear to them to have been broken.

10. In regard to any jute warehouse situated within the limits of the operation of this Act, the powers and duties conferred and imposed by this Part, and by every section thereof upon the Justices, or the Justices at a special meeting, shall be exercised and discharged by the Municipal Commissioners, or the Municipal Commissioners at a meeting respectively within whose jurisdiction such jute warehouse is situated. The annual fee in respect of any license for a jute warehouse granted by the said Municipal Commissioners may be at the rate of Rs. 150, or at any one of the rates mentioned in section 7, clause 6.

Penalties.

11. Any person who shall after the 31st day of the said July without a license under this Act use any jute warehouse, for keeping or depositing jute or cotton, shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees for each day during which he may use or continue to use such jute warehouse as aforesaid.

12. Any person who shall without a license use any jute warehouse, for keeping or depositing jute or cotton established after the commencement of this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees for every day during which such jute warehouse is used for keeping or depositing jute or cotton without a license.

13. Any person who shall after the 31st day of the said July use a jute warehouse for the keeping or depositing of jute or cotton after the Justices or Municipal Commissioners shall have refused or canceled a license in respect thereof, or during the time for which such license shall have been suspended, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding one hundred rupees for every day during which any such jute warehouse may be so used as aforesaid.

14. Whoever in contravention of the license shall introduce or use in any jute warehouse, in which jute or cotton is kept or deposited, any fire or lucifer matches or shall smoke therein, and whoever shall violate any of the conditions or restrictions under which the said license is granted, shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees for any one such offence.

PART III.

FIRE-BRIGADE.

15. Within six months from the date of the passing of this Act the Justices shall organize and thereafter maintain an efficient fire-brigade for the town and suburbs of Calcutta.

All existing public fire-engines, with the establishments and buildings thereto belonging, except

those belonging to the Military Department or to the Port Commissioners incorporated under Act V of 1870, shall be transferred to the fire-brigade to be established under this Act. The Justices shall have power to appoint and remove any members or officers of the fire-brigade; and they shall furnish the fire-brigade with all such steam or other fire-engines, horses, oxen, accoutrements, tools, and implements, as may be necessary for the complete equipment of the force, or conducive to the efficient performance of their duties.

Power to frame Bye-laws.

ing subjects:—

(1.) Giving of gratuities to persons who have given notice of fires.

(2.) Awarding gratuities by way of a gross sum or annual payment to be from time to time awarded to any member of the fire-brigade or other person specially deserving of reward.

(3.) For the training, discipline, and good conduct of the members of the force; not being members of the Calcutta and Suburban Police Force.

(4.) For the speedy attendance of such members with engines and all necessary implements on the occasion of any alarm of fire.

(5.) Imposing and summarily realizing a fine not exceeding one week's wages from any member of the brigade who may infringe these bye-laws.

(6.) And generally for the maintenance of the fire-brigade in a due state of efficiency.

17. On the occasion of a fire, the chief or other officer in charge of the fire-brigade on the spot may remove, or may order any member of the brigade to remove any persons whose presence shall interfere with the due operation of the brigade; and generally, he may take any measures which may appear necessary for the preservation of life and property; and he shall have power by himself or by his men to break into or through or pull down any premises for the purpose of putting an end to the fire, doing as little damage as possible; and he may also cause the mains and pipes of any district to be shut off so as to give greater pressure of water in the place where the fire has occurred. He may also call on the officer in charge of the Port Commissioners' fire-engine to render such assistance as may be possible in the case of any fire occurring near the river bank. The chief officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have for the time being the like powers as the chief officer himself possesses under this section.

Police officers of all grades shall be authorized to aid the fire-brigade in the execution of its duties. They may close any street in or near which a fire is burning, and they may, of their own motion or on the request of the chief or other officer of the fire-brigade, remove any persons who interfere by their presence with the operations of the fire-brigade.

Any damage done by the fire-brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance of property in Calcutta or the suburbs against fire.

But nothing in this section shall exempt any officer of the police or of the fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

18. In the case of any fire occurring in Calcutta or the suburbs the chief officer of the fire-brigade shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred, and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

LICENSES AND PENALTIES.

19. No person shall let off rockets or send up fire-balloons in the town or suburbs of Calcutta without a license from the Commissioner of Police, for which license a fee of ten rupees shall be payable.

20. No person shall sell or manufacture fire-works in the town or suburbs of Calcutta without a license from the Commissioner of Police, for which a yearly fee of ten Rupees shall be payable in advance.

21. Whoever shall let off rockets or send up fire-balloons in the town or suburbs of Calcutta without a license as aforesaid shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees for any one such offence.

22. Whoever shall sell or manufacture fire-works in the town or suburbs of Calcutta without a license as aforesaid shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees.

23. The Commissioner may at his discretion, and after thirty days' notice, withdraw or suspend any license granted by him under this Act.

24. In the event of any rockets being let off, or fire-balloons sent up within the precincts of any private premises or compound within the town or suburbs of Calcutta, without the express permission in writing of the Commissioner of Police, the occupier, or owner, or person under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding fifty rupees, unless he can prove who the person having committed the offence is, and that the offence was committed without his knowledge.

PART IV.

EXPENSES AND FUNDS.

25. The Justices and Municipal Commissioners respectively shall apply the moneys derived from the fees and penalties levied under this Act within their respective jurisdictions in payment of all expenses incurred by them respectively in or about the inspection and superintendence of jute warehouses, and the granting of licenses in respect thereof. In the case of Calcutta and the suburbs, the balance of such monies after payment of the said expenses shall be paid to the credit of an account in the books of the Justices to be called the fire-brigade account.

26. Every Insurance Company that insures from fire any property within the town and suburbs of Calcutta shall pay annually to the Justices, by way of contribution towards the expenses of the said fire-brigade, a sum at the rate of half a rupee for every ten thousand rupees on the gross amount insured by it in respect of such property. All sums paid to the Justices under this section shall be credited to the fire-brigade fund. The said payments shall be made quarterly in advance, on such dates as the Justices may appoint: and arrears on account of these payments shall be realizable as if they were arrears of rates due to the Justices, and all the provisions of Act VI of 1863 (passed by the Lieutenant-Governor of Bengal in Council) and of any Act amending the same shall be applicable so far as the circumstances will permit to the recovery of moneys due under this section.

27. For the purpose of ascertaining the amount to be contributed by every such Insurance Company as aforesaid, every Insurance Company insuring property from fire within the town and suburbs of Calcutta shall, on the 30th day of June 1872, and on every succeeding 30th day of June, or on such other days as the Justices may appoint, make a return to the said Justices, in such form as they may require, of the gross amount insured by it in respect of property within the said town and suburbs. At the foot of every such return shall be appended a certificate by the Secretary or chief officer or manager of such Insurance Company in Calcutta, stating that to the best of his knowledge and belief the return contains a true and faithful account of the sums insured by the Company to which he belongs in respect of such property. Such Secretary or chief officer or manager shall allow either the Chairman or the Vice-Chairman or the Secretary to the Justices to inspect at any time during the hours of business any books and papers that will enable him to ascertain the correctness of the return; and every Secretary or chief officer or manager as aforesaid failing to comply with the requisition of this section in respect of such inspection shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for each offence. The Justices on receiving the report of such inspection may alter the return accordingly.

The return made in the June of one year, or such return as altered on inspection by the Justices, shall be the basis of the contributions for the year beginning on the first day of January next succeeding.

28. If any Insurance Company makes default in making such returns to the Justices as are required by this Act, the said Company or Secretary or chief officer or manager thereof shall be liable to a penalty not exceeding fifty rupees for every day during which it is so in default.

29. The cost of all establishments and plant hired or purchased, and of all other charges under Part III of this Act, shall be paid from the fire-brigade fund. The full amount of such charges over and above the moneys which may accrue to the fire-brigade fund under sections 25 and 26 of this Act, shall be contributed by the Justices, and by the Commissioners of the suburbs, in the following proportions, namely,—by the Justices, seven-tenths; by the said Commissioners, three-tenths. At the end of each quarter of a year, the Justices shall certify to the said Commissioners the total cost of the fire-brigade for such year, the money which may have accrued under sections 25 and 26 of this Act, and the precise sum which must be paid by each body charged with the cost of the Calcutta fire-brigade under this Act. On the receipt of such certificate, the said Commissioners shall pay the sum certified against them by the Justices: provided that in no case shall the three-tenths payable by the said Commissioners in any year after the first year of the establishment of the fire-brigade exceed the sum of ten thousand rupees.

PART V.

MISCELLANEOUS.

30. It shall be lawful for the Lieutenant-Governor of Bengal, on the recommendation of the Justices passed by resolution, to declare that any other fibre or any commodity which is stored or deposited in warehouses besides jute or cotton shall be warehoused and kept subject to the provisions of Part II of this Act. When such declaration shall have been made in the *Calcutta Gazette*, this Act shall be read as if the name or names of the said fibre or commodity had been printed in addition to the words "jute" or "cotton" in the several sections of Part II wherein the said words "jute" or "cotton" may occur.

31. The Justices and Municipal Commissioners respectively shall make a report to the Lieutenant-Governor as soon as conveniently may be after the 31st July next, showing how the provisions of this Act have been carried out, and specifying the jute warehouses in respect of which licenses have been granted. Such reports shall be forthwith published in the *Calcutta Gazette*. And

thereafter the Justices and Municipal Commissioners shall make a like report once a year at such time as the Lieutenant-Governor shall direct.

32. Any person committing any offence in respect of which a penalty is provided by section 14 or section 24 of this Act may, if his name and address be unknown, be arrested by any officer to be by the Justices or the Municipal Commissioners within their respective jurisdictions thereunto appointed, and by such officer or any person by him thereunto authorized, or by any officer of police, forthwith conveyed before some Magistrate having jurisdiction in the place in which such offence shall have been committed, or shall be taken to the nearest police station within the said jurisdiction in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizance with or without sureties, for his appearance before a Magistrate.

33. Whenever such person shall be taken to a police station, the officer in charge of such station shall, as soon as conveniently may be, cause him to be conveyed before some Magistrate having jurisdiction in the matter.

34. Whenever any person shall be charged with the commission of any offence under this Act before a Magistrate, such Magistrate may forthwith hear and summarily determine the charge of such offence. Any thing made punishable by this Act shall be deemed to be an offence within the meaning of the Indian Penal Code, and without the limits of the town of Calcutta, shall be dealt with, save as herein otherwise provided, under the provisions of chapter XV of the Code of Criminal Procedure.

35. This Act so far as it relates to the town of Calcutta shall be read with, and taken as part of the said Act VI of 1863, and the subsequent Acts amending the same; and so far as it relates to the suburbs of Calcutta, or to the Municipality of Howrah, it shall be read with and taken as part of Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, and of the subsequent Acts amending the same.

HERBERT COWELL,
Asst. Secy. to the Govt. of Bengal,
Legislative Department.

The following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 20th January 1872, and was referred to a Select Committee who are to report thereon after the 24th February next:—

THE BENGAL MUNICIPALITIES BILL, 1872.

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A Bill to amend and consolidate the law relating to Municipalities.

WHEREAS it is expedient to amend and consolidate the law relating to Municipalities within the territories subject to the government of the Lieutenant-Governor of Bengal, and to make better provision for the self-government of towns and places within the said territories, for the maintenance of police, for the conservancy and improvement of such towns and places, for the diffusion of education therein, and for other objects of utility calculated to promote the health, comfort, or convenience of the inhabitants of the said towns; It is enacted as follows:—

1. This Act may be cited as the "Bengal Municipalities Act, 1872."

Short title.

PART I.—PRELIMINARY.

Divisions of Act. 2. This Act shall be divided into thirteen several heads or parts:—

- the *first* relating to preliminary matters;
- the *second* relating to municipal authorities;
- the *third* relating to municipal taxation;
- the *fourth* relating to the mode of recovery of municipal taxes;
- the *fifth* relating to the municipal fund and its application.
- the *sixth* relating to the registration of births and deaths;
- the *seventh* relating to the municipal police;
- the *eighth* relating to the intervention by Government in municipal affairs.
- the *ninth* relating to various municipal regulations for conservancy and otherwise;
- the *tenth* relating to municipal markets;
- the *eleventh* relating to the jurisdiction of Commissioners in municipal and other cases;
- the *twelfth* relating to third class municipalities;
- the *thirteenth* relating to miscellaneous matters.

3. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, (that is to say)—

“Magistrate of the district” means the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

“Magistrate” means the officer exercising all or any of the powers of a Magistrate, and charged with the immediate executive administration in criminal matters in any sub-division of a district, within which any place to which this Act may be extended may be situated, by whatsoever designation such officer is called. In respect to any such place which is not situated within a sub-division of a district, the powers by this Act conferred on the Magistrate may be exercised by the Magistrate of the district or by a Joint-Magistrate.

“Sub-divisional officer” means the officer in executive charge of a sub-divisional district.

“Municipality” means any place to which this Act or part thereof shall have been extended. A Municipality created under this Act shall be distinguished as a first class Municipality, or as a second class Municipality, in manner as in the next succeeding section is provided. Any place to

which Part XII of this Act shall have been extended shall be deemed to be a third class Municipality.

“The Commissioners” means the persons appointed or elected by the rate-payers to conduct the affairs of any Municipality under this Act, and shall include ex-officio Commissioners under this Act.

“House.” “House” includes any hut, shop, or warehouse.

“Place” includes any town, village, hamlet, suburb, bazaar, station, or tract of country.

“Land.” “Land” includes fields, plantations, and gardens.

“Bazaar” includes any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

“Road” means any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of way, together with such land (not being private property) whether covered or not by any pavement, verandah, or other erection or structure, as may be between the roadway and the main wall of any house or houses adjacent thereto; and also the roadway over any public bridge or causeway within the place; and the expression “in or near any road” designates any site within the place. Provided that nothing in this section shall be taken to interfere with any easement enjoyed by any person in respect of such land at the date of the passing of this Act.

“Owner” means the person for the time being receiving the rent of the land or premises, whether paid in money or in kind, or in charge of the thing in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person shall be liable to make any outlay by this Act required to be made by the owner of such and or premises in excess of the amount of the funds, or of the value of the produce belonging to the owner which he may have in his possession; nor shall he be subject to any penalty if he can prove that he has made the outlay required to the extent of such funds.

“Official year” means the year beginning on the first day of April, or such other date as may hereafter be fixed by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*.

4. All the provisions of this Act, except those contained in Part XII, shall have effect in any place not being within the limits of the town of Calcutta and of the southern portion of Hastings as defined by Act V of 1868 (passed by the Lieutenant-Governor of Bengal in Council), to which the Lieutenant-Governor of Bengal may extend the same, and from such date as may by him be specified,

by notification in the *Calcutta Gazette*. Provided that every such notification shall specify such provisions of Parts IX and X of this Act as are thereby extended to such place, and all provisions contained in the two last mentioned parts as are not specially mentioned in the said notification shall be deemed to be of no force or effect whatever in the place to which such notification applies. From and after the date mentioned in the said notification such place shall be deemed and taken to be created a Municipality for the purposes of this Act; and it shall be lawful for the Lieutenant-Governor to define the limits of such Municipality, and from time to time to alter or amend such definition, and the Lieutenant-Governor shall declare at the time of extending the said Act to such place, whether the same shall, for the purposes of this Act, be a first class or a second class Municipality, and may at any time thereafter by notification alter the class. The Lieutenant-Governor may further, from time to time, by notification in the *Calcutta Gazette*, declare to be united for the purposes of this Act, any number of towns or villages or parts thereof; provided that no portion of this Act shall be extended to any village inhabited by persons more than one-half of whom may be employed in agriculture only, or dependent for support on lands so employed, or habitually exercising trades and occupations only for the use of persons so employed, except the provisions of Parts XII and XIII of this Act. All the provisions of Parts XII and XIII of this Act shall have effect in any place to which the same may be extended by the Lieutenant-Governor or by any officer empowered in that regard under Section 202 of this Act.

5. From and after the creation of any Municipality under the provisions of the next preceding section, the provisions of the Acts named in Schedule (A) hereto annexed shall cease to have effect therein, except as to any assessment made, or as to any act done, or as to any liability incurred, or as to any money due, or as to any proceedings theretofore commenced. Provided that the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied or referred to. And all references made to any of the Acts named in the said schedule in subsequent Acts, orders or contracts, shall be read, so far as the context will allow, as if made to this Act.

6. All lands, buildings, works, and hereditaments, utensils, materials, books, plans, maps, papers, effects, securities, and monies whether derived under the Acts mentioned in Schedule (A) appended to this Act, and other property, movable and immovable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder which shall, on the date on which this Act shall take effect in such town, be vested in, or held in trust for, the Commissioners or Committee appointed under any of the said Acts, who shall hereafter in this Act be designated the late Commissioners, or which would have been vested in, or held in trust for, such Commissioners but for the passing of this Act; and all such estate and interest of and in the same respectively as shall then be, or would have been in, or in trust for, the said late Commissioners or any of them, with all rights of way and other rights

and easements now used and enjoyed by the said Commissioners shall, on and from the date when this Act comes into operation in such town, be vested in the Commissioners under this Act and their successors; and all persons who shall then owe any money to the late Commissioners, or to any person on their behalf, shall pay the same to the Commissioners under this Act, or as they shall direct: and all monies which shall be then due, and owing by, or recoverable from, the late Commissioners, shall be paid by, or be recoverable from, the Commissioners; and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before this Act comes into operation to, with, or in favor of, or by, or for, the said late Commissioners, or any of them, or any person on behalf of such late Commissioners; and all rights of action and suit arising out of contract or otherwise—shall take effect, and may be proceeded on and enforced, as far as circumstances will admit, in favor of, by, against, and with reference to the Commissioners under this Act in such manner as the same would have taken effect, and might have been proceeded on and enforced in favor of, by, against, and with reference to the said late Commissioners, or any of them, if this Act had not been passed.

7. No action, suit, prosecution, or other proceedings whatsoever, commenced or carried on either by or against the late Commissioners previously to the coming into operation of this Act, shall abate, or be discontinued, or prejudicially affected by this Act, but shall continue and take effect both in favor of and against the Commissioners, in the same manner in all respects as the same would have continued and taken effect in relation to the late Commissioners, or any of them, if this Act had not been passed: and all decrees and orders made, and all fines and penalties imposed and incurred, respectively, previously to the coming into operation of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings commenced previously to the coming into operation of this Act shall and may be continued, proceeded with, and completed in such or the like manner as if this Act had not been passed, the Commissioners under this Act being, in reference to the matters aforesaid, in all respects substituted for the late Commissioners.

PART II.—MUNICIPAL AUTHORITIES.

Chapter I.

Municipal Commissioners.

8. In any Municipality created under Part I of this Act, the Lieutenant-Governor shall, if the same shall have been declared by him to be a first class Municipality, and the said Lieutenant-Governor or any officer whom the Lieutenant-Governor may authorize in that behalf shall, if the same shall have been declared by the said Lieutenant-Governor to be a second class Municipality, from time to time appoint or cause to be elected, in manner as hereinafter provided, not more than seven and not less than three persons to be Commissioners for carrying out in such Municipality the purposes of this Act.

Appointment or election of Commissioners

9. No person shall be appointed a Commissioner or a Member of a Ward Committee under this Act in any Municipality, who does not either reside or hold land or buildings therein or within five miles from any part of the limits thereof: provided also that when the mode of municipal taxation to be adopted therein shall have once been determined, no person shall be appointed therein a Commissioner or member of a Ward Committee who does not pay municipal taxes to the Commissioners thereof. Subject to the provisions of Section 12 every person so appointed shall continue in office three years, or until his successor shall have been appointed, and shall be eligible for re-appointment. The Lieutenant-Governor may from time to time accept the resignation of any such Commissioner or Commissioner, or may remove any such Commissioners or Commissioner for misconduct or neglect of duty, add to their number, and fill up vacancies occurring among them.

10. In addition to the Commissioners to be appointed or elected as aforesaid, the Magistrate of a district and the Magistrate in charge of a sub-division of a district, shall be ex-officio Commissioners of every Municipality situated within their respective jurisdictions, and it shall further be competent to the Lieutenant-Governor to appoint as a Commissioner of any such Municipality any officer in the service of Government holding a salaried office in the district in which the same is situate: provided that not more than one-third of the whole number of Commissioners shall be persons holding salaried offices in the service of Government, unless such persons be elected to be Commissioners under any of the provisions in this Act contained.

11. If at any time it shall appear to the Lieutenant-Governor of Bengal to be advisable that a certain number of the Commissioners of any Municipality shall be elected by the rate-payers, it shall be competent to the said Lieutenant-Governor to take measures for the election of such Commissioners by the rate-payers, subject to such rules in regard to qualification, election, and discharge, as he may think fit. Subject to the provisions of Section 12 the persons so elected shall continue in office for the term of three years, or until their successors have been elected, and shall be eligible for re-election. The Lieutenant-Governor may from time to time accept the resignation of any of the Commissioners so elected, or may remove any of such Commissioners for misconduct or neglect of duty, and may provide for filling up vacancies by election.

12. When Municipal Commissioners or any Ward Committee shall be for the first time appointed or elected in any Municipality, such number of the members thereof as the Commissioner of the Division may determine, and being not more than one-third of the whole, shall retire at the end of one year, and another equal number at the end of two years, and the rest at the end of three years, to be computed from the first day of the official year next following the date of the appointment or election of such Commissioners or Committee. The members who shall retire at the end of the first and

second years respectively shall be decided by lot. But the ex-officio members appointed under Section 10 of this Act shall not be liable to retirement under this Section. Any person appointed or elected to a vacancy caused by the withdrawal, or removal, or death of another member shall fill such vacancy for the unexpired remainder of the term for which the outgoing member, may have been elected or appointed. The Chairman shall keep a roll in which the names of the Commissioners shall be entered in order of seniority according to the dates of their appointment or election. In case of two or more Commissioners being appointed or elected on the same day, the Chairman shall decide the order of seniority between them.

13. The Magistrate of a district, or the Magistrate in charge of a sub-division, if delegated by the Magistrate for the purpose, shall be ex-officio Chairman of the Commissioners for any Municipality situate within the district or sub-division under his charge. The Commissioners shall elect their own Vice-Chairman, who shall hold office for one year from the date of his election, and who shall be eligible for re-election at the end of such year.

14. The Commissioners shall have and use a common seal, and shall have their names engraved thereon in legible characters in the English language, and also in the vernacular language of the district. All contracts entered into in respect of any sum exceeding twenty rupees shall be in writing, and shall be sealed with the common seal of the Commissioners, and on their behalf, in the presence of at least two of the Commissioners, one of whom shall be the Chairman, or in the absence of the Chairman, the Vice-Chairman, who shall certify the same by affixing their signatures as witnesses at the foot of the instruments. All such contracts shall be varied or discharged in a similar manner.

15. The Commissioners shall sue and be sued in the name of their Chairman by the description of "The Chairman of the Commissioners of," and in such name so described, they shall be competent to hold property, movable and immovable, to them and their successors as a body corporate, and to convey the same and to enter into all necessary contracts for the purposes of this Act.

CHAPTER 2.

Property and Contracts of the Commissioners.

16. All public streets in any Municipality (not being private property) existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in and belong to the Commissioners and their successors. But it shall be competent to Government from time to time, by notification, to exclude any road or street from the operation of this Act, and to cancel such notification wholly or in part.

17. It shall be lawful for the Commissioners to agree with the person or persons in whom the property in any street is vested, to take over the property therein, and after such agreement to declare, by notice in writing put up in any part of such street, that the same has become a public street. Thereupon such street shall vest in the Commissioners and their successors, and shall thenceforth be repaired and kept up out of the Municipal Fund.

18. All or any hospitals, dispensaries, schools, rest-houses, markets, tanks, and wells, not being private property, or the property of a religious institution or society, and all medicines, furniture, and other articles appurtenant thereto, not being private property, which at the time this Act comes into operation in any town, shall be found therein, may, by notification of the Lieutenant-Governor, be vested in the Commissioners, and thereupon all endowments or funds belonging to such hospitals, dispensaries, schools, or rest-houses shall be transferred to and vested in the Commissioners as trustees, to hold and apply the same to the purposes to which such endowments and funds were lawfully applicable at the time of such transfer. Provided always that no such notification shall be issued until one month after the intention to transfer such property shall have been notified in English and in the vernacular language of the district in such manner as the Lieutenant-Governor shall from time to time direct.

19. The Commissioners may agree with the owners of any land for the purchase thereof for the purposes of this Act, and may sell any land not required for such purposes either together or in parcels, and the proceeds of such sale shall be applied for the purposes of this Act.

20. When the Commissioners may be unable to agree with the owner of any land for the purchase thereof, the Lieutenant-Governor of Bengal may, upon representation of the Commissioners, and after such enquiry as may be thought proper, declare that the land is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Government, and for determining the compensation to be paid to the parties interested, according to any law now or hereafter to be in force for the acquisition of land for public purposes. On payment by the Commissioners of the compensation awarded, such land shall vest in them for the purposes of this Act.

CHAPTER 3.

Their mode of transacting business.

21. The Commissioners shall keep an office where they shall meet for the transaction of business at least twice in every month, and as often as a meeting shall be called by the Chairman or Vice-Chairman, and all questions which may come before them at any meeting shall be decided by a majority.

22. The Chairman, or, in his absence, the Vice-Chairman, shall preside at every such meeting, and in the absence of both the Chairman and Vice-Chairman, the Commissioners shall choose some one of their number to preside. In cases of equality of votes the President shall have a casting vote.

23. No business shall be transacted at a meeting unless at least four Commissioners be present.

24. In any case of emergency, the Chairman, or, in his absence, the Vice-Chairman, shall exercise all the powers vested by this Act in the Commissioners. Provided that it shall not be lawful for the Chairman or the Vice-Chairman to exercise any power which it is by this Act expressly declared shall be exercised by the Commissioners at a meeting. Any Chairman or Vice-Chairman acting under this section shall inform the Commissioners thereof at the next meeting held thereafter.

25. The Chairman shall from time to time appoint all such overseers, clerks, and subordinate officers and servants as he may think necessary and proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their places. And out of the Municipal Fund he shall pay, or cause to be paid, such salaries to the said persons respectively, as may from time to time be determined by the Commissioners at a meeting; or, in case of absence on leave, such portion thereof as may appear to the Commissioners to be reasonable. He may, with the sanction of the Commissioners, make such rules as he may think fit as to the manner in which, and as to the persons by whom, all duties connected with the collection of the tax or the preparation of the assessment, shall be performed, provided such rules be in all respects consistent with the provisions in this Act contained. Provided that no salary amounting to more than one hundred and fifty rupees a month shall be assigned to any officer or clerk by Municipal Commissioners under this Act without the sanction of the Commissioner of the Division. He shall also take from every collector of Municipal taxes, duties, or tolls, such security for the sums collected by him as he may think proper.

CHAPTER 4.

Ward Committees.

26. It shall be lawful for the Magistrate, on the recommendation of the Commissioners at a meeting, to divide any Municipality into wards, and thereupon there shall be appointed for each ward not less than three persons qualified to be Commissioners, whether such persons be or be not Commissioners for the time being, to be members of the Ward Committee, and the said Magistrate may define the limits of the ward for which any Ward Committee may be appointed or elected. All questions regarding the removal, resignation, and filling up vacancies among the members of Ward Committees shall be settled by the Commissioner at a meeting.

27. A Ward Committee shall exercise, within the limits of their ward, as defined by the Magistrate, all or any of the powers of Commissioners described in Sections 25, 52, 53, 61 to 68 inclusive, 113, 115, and in such sections of Part IX of this Act as shall be in force within the municipality, which the Commissioners at a meeting shall have delegated to them. Sections 21, 22, and 24 of the Act shall, as far as may be convenient, be applicable to Ward Committees.

28. The Chairman of each Ward Committee shall be appointed by the Chairman of the Commissioners, and each Ward Committee may, if it see fit, elect their own Vice-Chairman from among their own number.

CHAPTER 5.

General Provisions.

29. No Commissioner or member of a Ward Committee shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners, but the funds, from time to time in the hands of the Commissioners, shall be liable for, and chargeable with, all contracts and expenses duly incurred as aforesaid. Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners, to which he shall have been a party, and he shall be liable to be sued for the same.

30. No Commissioner or member of a Ward Committee, or servant of the Commissioners or Committee, shall be interested, directly or indirectly, in any contract made with the Commissioners. And if any such person be so interested, he shall thereby become incapable of continuing in office or employment, and shall be liable to a fine not exceeding five hundred Rupees. Provided always that no person by being a shareholder in, or member of, any incorporated or registered company, shall be disqualified from acting as a Commissioner or member of a Ward Committee by reason of any contract entered into between such company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner or member of a Ward Committee in any matter relating to any contract entered into between the Commissioners and such company.

PART III.—MUNICIPAL TAXATION.

CHAPTER 1.

Power of the Commissioners to impose Taxes, Duties, and Tolls.

31. It shall be lawful for the Commissioners of any Municipality at a meeting to impose, within the limits of such Municipality, any one or more of the following taxes, duties, and tolls, at such rate as the Commissioners shall see fit, not exceeding the maximum in any case hereinafter mentioned and prescribed:—But no tax duty or toll imposed by the Commissioners under this section shall

be levied until the sanction of the Lieutenant-Governor shall have been obtained to such levy:—

(a)—An annual tax on persons residing in or owning property in the Municipality, according to the circumstances and the property to be protected of the persons liable to pay the same. Provided that no person who resides outside the limits of the Municipality shall be assessed according to his circumstances, but only in regard to the property which he possesses within the Municipality; and that the average annual tax on each holding shall not exceed Rs. 4 in Municipalities of the first class, and Rs. 2 in Municipalities of the second class.

(b)—A tax not exceeding 7½ per cent. on the annual value of houses, buildings, and lands situated within the limits of the Municipality exceeding Rs. 6 per annum, to be paid by the owners thereof.

(c)—A tax on carriages, horses, and elephants, kept or used within the limits of the Municipality; and a fee on the registration of carts and other vehicles.

(d)—A tax on trades and callings carried on and exercised within the said limits.

(e)—A tax on processions, and any public ceremonies not exclusively religious, and requiring the attention of the police, and performed within the said limits.

(f)—Duties on articles entering the limits of the Municipality, or dues on articles sold at markets or hâts, according to a table of rates sanctioned by the Lieutenant-Governor, and subject to such rules and exceptions as the Lieutenant-Governor shall direct.

(g)—Tolls on vehicles and beasts of burden entering the limits of the Municipality, according to a scale sanctioned by the Lieutenant-Governor; and tolls on ferries within the said limits.

CHAPTER 2.

Taxes on persons.

32. When it shall have been determined that an annual tax on persons according to their circumstances and property shall be imposed under this Act in any Municipality, the Commissioners or the Ward Committee shall prepare an assessment in respect thereof upon the several persons liable to be assessed within the Municipality or Ward for which such Commissioners or Committee shall be appointed, and shall prepare a list which shall specify every parcel of land, house, or other holding on account of the occupation of which any person is liable to be assessed, the name of the person liable to be assessed in respect of each such holding, the trade, business, or other description of such person, and the amount payable quarterly by such person. It shall be competent to the Commissioners or to a Ward Committee or to the Magistrate to omit from the list prepared under this section any person who may by them or him be deemed too poor to be assessed to the tax leviable under this Chapter.

33. The Commissioners or the Ward Committee shall, if the Commissioners so decide, instead of preparing a new assessment for any year, revise and amend the assessment then in force.

34. When any assessment shall have been prepared, or shall have been revised and amended by any Ward Committee, such Ward Committee shall forthwith forward to the Commissioners the list containing the same, and such Commissioners shall examine, and, if necessary, amend and settle it.

35. When an assessment shall have been prepared, or revised and amended directly by any Commissioners, and not by a Ward Committee, such Commissioners shall forward to the Magistrate a list containing the same, and the Magistrate shall examine, and, if necessary, amend and settle it.

36. When the assessment in any Municipality shall have been so made and settled as provided by the preceding sections, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification in the form in Schedule (B) to this Act annexed, or to the like effect, and written in the language of the province in which such Municipality is situate, to be put up in some conspicuous place therein or in the division thereof for which such assessment has been made; and a written copy of the said list to be deposited in his own office. So soon as the copies of the list shall have been so hung up and deposited, public proclamation shall be made throughout such Municipality by beat of a drum notifying that such copies have been so hung up and deposited, and that the copy so deposited in the Magistrate's office is open to inspection.

37. Unless and until revised and amended as herein is provided, every assessment, as settled under Section 34 or Section 35, shall be valid for three years, and until a new assessment shall be made. In case the occupant of any property included in any assessment shall be changed before a new assessment be made, the new occupant shall be liable in respect of such property for any portion of the amount so assessed which shall have become payable during his occupation; and after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupant.

38. Whenever the period for which any assessment is valid, as provided in Section 37 of this Act, shall be about to expire, notwithstanding anything hereinbefore contained, it shall be lawful for the Magistrate, instead of requiring any Commissioners or Ward Committee to prepare a new assessment, or to revise and amend the assessment then in force, to adopt the said assessment as the assessment for the year next following.

39. If no new assessment be made and published before the expiration of the first three months of any year, for which no assessment valid under the provisions of Section 37 shall be in force, the assessment which was in force at the close of the preceding year shall be deemed to be the assessment for the current year.

40. As soon as possible after an assessment shall have been adopted under Section 38, or shall have taken effect for the current year under the last preceding section, the Magistrate shall, in the manner provided in Section 36 for giving public notice that copies of the list of assessment have been hung up and deposited, give public notice that the assessment in force at the close of the preceding year will continue to have effect during the current year, but it shall not be necessary to hang up fresh copies of such list; and every person whose assessment may be so continued shall be at liberty to appeal against such assessment as if it were a new assessment made upon him.

41. Any person who shall have been assessed by any Commissioners, of whom the Magistrate has not been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to such Commissioners at a meeting; and in case such Commissioners shall not grant the prayer of such appeal, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary, by examination of the appellant on oath or solemn affirmation or otherwise, may confirm the assessment or amend the same. In case the Magistrate confirm the assessment, he may order that the appellant shall pay such reasonable costs as may have been incurred in the proceedings on his appeal. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court. Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment prescribed by Sections 36 or 40 or of the notification of the substitution of the name of an occupier under Section 37, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

42. Any person who shall have been assessed by Commissioners of whom the Magistrate has been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may apply to the Commissioners for a review of the assessment so far as regards himself; and with regard to such applications, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41,

and the orders passed by the Commissioners on such application shall have the same effect and finality as orders passed by the Magistrate under the said section. Applications under this section to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under Section 41.

43. Any person who shall have been assessed by a Ward Committee, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may appeal to the Commissioners. And with regard to such appeals, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41, and the orders passed by the Commissioners at a meeting on such appeals shall have the same effect and finality as orders passed by the Magistrate under the said section. Appeals to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under the said section.

44. It shall be lawful for the Magistrate at any time to require any Commissioners or Ward Committee, as the case may be, to make an assessment on account of the occupation of any house which may have been constructed, or any house or other holding which may have become liable to assessment after the general assessment which may then be in force shall have been made, or which may have been by mistake or accident omitted from such assessment. Notice of the amount assessed in accordance with such requisition shall be given to the person so assessed, who may appeal or apply against such assessment according to the provisions of Sections 41, 42, or 43, within one month after the service of such notice.

45. It shall be lawful for any person upon whom any assessment shall have been made, who shall, during the period for which such assessment is valid have ceased to occupy any property in respect to which he may have been assessed, or whose property to be protected, and circumstances may have changed during the period aforesaid, to apply on unstamped paper to the Commissioners; and in case such Commissioners shall not grant the prayer of such application, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary by examination of the applicant on oath or solemn affirmation, or otherwise, may amend the assessment of such applicant as to him shall appear just, or may confirm the same; and in case he shall confirm the said assessment, may order that the applicant shall pay such reasonable costs as may have been incurred by reason of such application. The decision of such Magistrate upon such application shall be final.

46. The Commissioner of the division, with the sanction of the Government, may at any time direct the Magistrate to revise, or to cause to be revised by the Commissioners or Ward Committee,

the assessment of any Municipality, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise, and if necessary amend the same, or cause it to be revised and amended.

CHAPTER 3.

Taxes on Houses.

47. When it shall be determined that a tax on the annual value of houses, buildings, and lands shall be imposed in any Municipality, such tax shall be paid by the owners of such houses, buildings, and lands by quarterly instalments, except as hereinafter provided.

48. The gross annual rent at which the houses, buildings, and lands liable to the tax may be reasonably expected to be let, shall be deemed to be the annual value of such houses, buildings, and lands, and such value shall accordingly be fixed by the Commissioners from year to year, commencing from the date on which this Act shall have come into operation.

49. Whenever any house or building belongs to one owner, and the ground on which the same stands, and which is usually occupied therewith, belongs to another, it shall be lawful for the Municipal Commissioners to assess such house or building and ground together at one consolidated rate. The amount so assessed shall be payable by the owner of the house or building, who shall thereafter be entitled to deduct from the rent which he pays for the ground, such proportion of the tax so paid by him as is equal to the proportion which his rent bears to the annual value of the whole property assessed.

50. If the sum due on account of any tax from the owner of any house, building or land remains unpaid after the notice of demand has been duly served, and such owner be not resident within the place, or the place of abode of such owner be unknown, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises, and whenever such tax shall be paid by or recovered from such occupier, he may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof. Provided also that if the tax so deducted is a consolidated tax payable by the owner of a house or building under the next preceding section, the same shall, after such deduction, be deemed to have been paid by such

owner within the meaning of the last mentioned section.

51. The Commissioners shall, at a meeting to be held as soon as may be after their appointment, assess, or determine the rate of such annual tax to be levied from the date on which this Act may come into operation till the expiration of the current year, and at a meeting not less than fifteen days before the expiration of each year, shall determine the rate of such tax for the ensuing year.

52. The Commissioners may require the respective owners or occupiers of the houses, buildings, and lands to furnish them with returns of the measurements and of the rent or annual value thereof, and they, or any person appointed by them for that purpose, at any time between sun-rise and sun-set, may enter, inspect and measure any such houses, buildings or lands, after having given forty-eight hours' previous notice of their intention to the occupier thereof. When the valuation of the houses, buildings, and lands, shall have been completed, the Commissioners shall cause lists containing the valuation and assessment to be made out, and shall give public notice thereof, and of the place where the lists or copies thereof may be inspected; and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect such lists, and to make extracts therefrom, without the payment of any fee.

53. The Commissioners shall at the same time give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time valued, or the valuation is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

54. After the appeals have been inquired into, and after the revision of the valuation and assessment has been completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Commissioners, who shall at the same time certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shown therein, and subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year for which the assessment shall be made. Provided always that the Chairman or Vice-Chairman may at any time amend the said lists by inserting therein the name of any person whose name ought to be so

inserted, or by inserting any property liable to the tax, after giving notice to such person as may be interested in the making of the amendment, of a day not being less than fifteen days from the date of the service of such notice, when such amendment is to be made, or by striking out any property not liable to the tax, or reducing the amount of the tax, without notice; and in all cases in which any property is inserted as liable to the tax, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the person interested first received notice thereof; and any person interested in such amendment may appeal to the said Commissioners by application in writing left at their office three days before the day fixed in the notice of such amendment.

55. It shall not be necessary to prepare new lists, or to determine the rate of the tax every year, but the Commissioners may adopt the valuation and assessment contained in the lists for the preceding year (with such alteration as may in particular cases be deemed necessary), as the valuation and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section 53 of this Act.

56. Appeals against any tax assessed under this Act shall be heard and determined by not less than three Commissioners and their adjudication, and the assessment by the Commissioners of any tax when no appeal is made as hereinbefore provided, shall be final; and no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

57. When any house shall have been vacant for sixty or more consecutive days during any year, the Commissioners shall remit so much of the tax of that year as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house, or his agent, shall have given to the Commissioners notice in writing of the vacancy thereof, and that the amount of tax to be remitted shall be calculated from the date of the delivery of such notice.

CHAPTER 4.

Taxes on carriages and wheeled vehicles.

58. When it shall be determined that a tax on carriages, horses, and elephants shall be imposed in any Municipality, the Commissioners shall declare at what rates, not exceeding the rates given in Schedule (C) to this Act annexed, such tax shall be imposed on all carriages, horses, and elephants kept within the limits of such place; and thereupon such tax shall be payable quarterly. Provided that this section shall not apply to, or include, gun-carriages, or ordnance carts or wagons; cavalry horses or horses of the mounted police; horses belonging to officers

doing regimental duty, at the rate of one horse for each officer; vehicles, horses, or elephants belonging to the Government; vehicles and horses kept for sale, and not used for any other purpose, if kept by *bond fide* dealers.

59. Every person who may have owned or had charge of any carriage, horse, or elephant, kept within such place for any number of days in any quarter, shall be liable to the whole tax for that quarter; but if a carriage shall have been under repair for the whole quarter, no tax shall be leviable in respect of such carriage for that quarter.

Ownership for any number of days in a quarter creates liability to the tax for the whole quarter.

60. Whenever the owner of the carriage, horse, or elephant, let out for hire, and kept for the time being in premises situated within any place shall not reside in such place, the sums to be charged for such carriage, horse, or elephant shall be recoverable from the person in whose premises it is for the time being kept.

Carriage, &c., let for hire within any defined place, although owned by persons not residing therein, liable to the tax.

61. The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such person, in lieu of the rates specified in the schedule.

Commissioners may compound with livery stable-keepers.

62. The Commissioners shall from time to time cause to be prepared and entered, in distinct columns, in a book to be kept by the Commissioners, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax thereon.

List of persons liable to tax to be prepared.

63. In order to enable the Commissioners to have such list prepared, the Commissioners, or any officer authorized by them, may send to all persons supposed to be liable to the payment of the tax, a schedule to be filled up with such information respecting the carriages and animals kept by them as the Commissioners may judge necessary for the assessment of the tax. The schedule shall be filled up in writing, and signed and dated and returned to the office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of the tax.

Returns may be required for purpose of making list.

64. The Commissioners may summon any person supposed to be liable to the payment of the tax, or any servant of such person, and may examine such person or his servant as to the number and description of the carriages and animals in respect of which such person is liable to be assessed, and such person or his servant shall answer such questions as may be put to him by the Commissioners.

Power to summon persons liable to tax.

65. Any person who may dispute his liability to the payment of such tax, or the amount of any such assessment, may appeal to the Commissioners: provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Appeal against assessment may be made to Commissioners.

Proviso.

66. Appeals against any such assessment shall be heard and determined by not less than three Commissioners, and their adjudication upon every such appeal shall be final, and no person shall contest any assessment so made in any other manner than by appeal to the Commissioners as hereinbefore provided.

Commissioners' decision final.

Registration of wheeled vehicles.

67. It shall be lawful for the Commissioners of any Municipality at a meeting, with the sanction in writing of the Lieutenant-Governor first obtained, to declare and direct, by notification published in such manner as the Lieutenant-Governor may order, that every cart, hackery, and other wheeled vehicle without springs kept and used within, or let for hire within or without such place, and used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct. Provided that this section shall not apply to, or include carts, hackeries, or other such vehicles as aforesaid kept at more than two miles distance from the said place and used only temporarily or casually in the place, or to carts, hackeries, or other wheeled vehicles without springs; the property of Government or of the Commissioners.

Registration and number of hackeries, &c.

68. The registration of carts, hackeries, and other vehicles under the last preceding section shall be made, and the numbers assigned half-yearly, upon such days as the Commissioners shall notify, and such fee as they shall fix, not exceeding one rupee, shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January of any such cart, hackery, or other vehicle which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Commissioners shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of the fee to be fixed as aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Fee for registration.

69. Whoever owns or keeps any cart, hackery, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused

Penalty for not registering a cart or hackery.

the same to be registered under the last preceding section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed by the owner of the person keeping such cart, hackery, or other vehicle within a further period of twenty days, shall become vested in the Commissioners, and be employed for the purposes of this Act.

CHAPTER 5.

Taxes on trades and callings.

70. When it shall be determined that a tax on trades and callings shall be imposed in any town, such determination shall be notified, in such manner as the Lieutenant-Governor may direct, and from the 1st day of April next following such notification, every person who shall within the town exercise any of the professions, trades, or callings specified in Schedule (D) to this Act annexed shall take out a license, and shall pay for the same an annual fee not exceeding such sum as in the said schedule is mentioned. The table of fees leviable under this chapter shall be fixed from time to time by the Commissioners, subject to the confirmation of the Lieutenant-Governor.

71. Every license under the next preceding section shall be granted by the Commissioners, or by some person duly authorized by them in that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted, and the sum paid for such license.

72. Every license shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 1st day of January next following the notification shall expire on that day, and every such license which shall be granted upon or at any time after that day, shall expire on the 31st day of December next after the day of the granting thereof.

73. Every person to whom such license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same from year to year so long as he shall desire to continue such profession, trade, or calling.

74. The Chairman, or in a first class municipality a sub-committee of the Commissioners, shall determine under which of the classes mentioned in the Schedule (D) to this Act annexed every person to whom a license may be granted shall be assessed. The Commissioners at a meeting shall from time to time declare what are to be considered bazaars, hâts, or public markets, within the meaning of this Act.

75. As soon as may be after the first day of September in every year, the Chairman shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be filed in the office of the said Commissioners, and be open to public inspection at all reasonable times.

76. If at any time after three months have elapsed from the day of the date of the said notification, any person within the said limits shall exercise his profession, trade, or calling without having duly taken out a license as required by Section 69, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding three times the amount which, in the judgment of such Magistrate, would have been payable by such person in respect of a license duly taken out as aforesaid.

77. Any person required by Section 69 to take out a license, who shall, without reasonable excuse, neglect or refuse to produce and show his license when required so to do by an officer duly empowered in writing by the Commissioners to make such requisition shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred Rupees.

CHAPTER 6.

Taxes on processions, &c.

78. When it shall have been determined that a tax shall be levied in any Municipality on processions and any public ceremonies not exclusively religious, such determination shall be duly notified, and from the date of such notification no person shall organise or conduct a procession or public ceremony within the limits of such Municipality, without first taking out a license from the Commissioners. Licenses under this section shall be granted at the following rates namely:—

		Rate of licenses.
License for a procession or ceremony whereat elephants are to be used, or fire-works are to be displayed, or guns fired	...	100 Rs. for each day.
License for a procession or ceremony whereat more than two hundred persons are to attend	...	50 " "
License for a procession or ceremony whereat more than fifty and not more than two hundred persons are to attend	...	10 " "
License for a procession at which less than fifty people are to attend	2 " "	

79. Any person who may organize or

Penalty for organising procession without license.

conduct a procession within the limits of such Municipality without first obtaining a license, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the amount of the license fee payable in respect thereof under the next preceding section. Any police officer above the grade of constable may call upon the conductor or organizer of a procession to produce his license, and if the license be not produced, he shall report the circumstances to the Commissioners or to the Magistrate; but he shall not arrest any one or stop the procession, unless he is unable to ascertain the name and address of the organizer of the procession. In the case of processions connected with marriage or betrothal the nearest adult male relative, or the guardians of the bride and bridegroom, or of the betrothed parties, shall, unless the contrary be proved, be deemed to have organized or conducted the procession.

CHAPTER 7.

Duties on articles.

80. When it shall have been determined that

Duties on articles entering Municipal limits.

duties shall be levied on articles entering within the limits of any Municipality, the Commissioners shall prepare and submit for the Lieutenant-Governor's approval a schedule of proposed rates for the levy of such duties, and shall prepare and submit as aforesaid bye-laws which shall provide for the collection and realization of such duties, for penalties for non-payment, and for exempting all through traffic from taxation, and for refunding the duty levied on duty-paid goods which are taken out of the municipal limits. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws: provided that no duty shall be levied on any article at a rate exceeding two per centum on the average value of such article. The rates and bye-laws for any Municipality shall, when finally approved, be published in such Municipality in such manner as the Lieutenant-Governor may direct.

81. When it shall have been determined that

Market dues on sale of goods.

market dues shall be levied upon the sale of goods at any periodical market within the limits of any Municipality, the Commissioners shall prepare and submit a schedule of rates for the levy of such dues, and shall prepare and submit bye-law for the collection and realization of such dues and for penalties for non-payment. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws, provided that such dues shall in no case exceed one quarter of an anna in every rupee of the price for which such goods may be sold.

82. It shall be lawful for the Commissioners,

Power to lease the same.

with the sanction of the Lieutenant-Governor, to lease out for any term not exceeding three years, the collection of duties or dues under the two next preceding sections. Such lease shall be subject in all respects to the rates and bye-laws passed under the said sections.

CHAPTER 8.

Tolls.

83. When it shall have been determined

Table of tolls.

that Municipal Funds shall be raised by tolls on ferries within the limits of a Muni-

cipality the Commissioners shall notify the ferry or ferries at which such tolls shall be levied; and shall also notify such rates of tolls as the Lieutenant-Governor may from time to time sanction. A table of tolls, written or printed, in the English and native languages, shall be hung up in some conspicuous place near every ferry so as to be easily read by all persons crossing at the ferries.

84. Every toll-keeper or ferry lessee who

Penalty for neglecting to put up a table of tolls.

shall neglect to hang up and keep in good order and repair such table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding ten Rupees.

85. Every toll-keeper or ferry lessee who shall

Extortion or misconduct by toll-keeper.

ask or take any toll other than the lawful toll, or who shall without due cause delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding fifty Rupees.

86. Every person crossing at any, such

Refusal to pay toll, &c.

public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any toll-keeper or any of his assistants in any way in the execution of their duty under this Act; and every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy, or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding fifty Rupees over and above the value of the damage, if any, which he has done.

87. The Commissioners may make rules,

Bye-laws for regulating ferry-boats, &c., to be made by Commissioners.

subject to confirmation by the Lieutenant-Governor, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers, and other persons employed at any public ferry: and any tindal, toll-keeper, or other person infringing or disobeying any such rule, shall be liable to a penalty not exceeding twenty Rupees, and also to make good any loss or damage caused thereby, the amount of which shall be summarily ascertained by the Magistrate, within whose jurisdiction the offence was committed, and such amount may be recovered as any penalty under this Act may be recovered.

88. Every person who shall convey for

Carrying for hire within three miles of a ferry without license of Magistrate.

hire any passenger, animal, cart, carriage, or goods, across any arm of the sea, creek, or river within the provinces subject to the Lieutenant-Governor to any point or place on the opposite bank or coast within a distance of three miles on either sides above or below any public ferry, without the special license of the Magistrate of the district in which the ferry is situated, shall be liable to a penalty not exceeding fifty Rupees. Provided that nothing in

this section shall subject to such penalty any person who shall specially let for hire his boat for the conveyance of any other person or his family or goods across any creek or arm of the sea within the said settlement.

89. The Commissioners may appoint at any ferry managed under this Act toll-keepers, and may collect the tolls through such toll-keepers, or they may grant a lease of any such ferry for any period not exceeding three years.

90. It shall be lawful for the Lieutenant-Governor to make over to the Commissioners any existing ferry within the limits of the Municipality, and such ferry shall thenceforward be subject to the provisions of this Act.

91. When it shall have been determined that tolls shall be levied on vehicles and beasts of burden entering any town, the Commissioners shall submit to the Lieutenant-Governor a table of rates and rules for the levy of such tolls; and the Lieutenant-Governor may modify or approve such tables and rules. The rules and rates, so modified or approved, shall not take effect until one month after they shall have been duly notified. Provided that the rates shall in no case exceed the rates laid down in Schedule (E) appended to this Act.

92. The tolls or rates determined as in the next preceding section shall be levied upon all carriages, carts, and animals entering the municipal limits; and the Commissioners may construct toll-bars, gates, and gate-keepers' stations, and may place the collection of such tolls under the management of such persons as may appear to them proper, or may lease out the same for any period not exceeding three years, and shall frame bye-laws in manner hereinafter provided for the guidance of such toll collectors; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would attach to them if employed in the collection of any assessment or tax under this Act. Provided that this section shall not apply to carriages, carts, and animals licensed or registered by the Commissioners: provided also that no more than one payment of toll shall be demanded for, and in respect of, any carriage, cart, or animal in any one period of twenty-four hours from midnight to midnight.

93. In case of non-payment of any such toll on demand, the officer appointed or duly authorized to collect the same may seize any carriage or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll. If any toll, together with the cost arising from such seizure and custody, remains undischarged for forty-eight hours, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale. Any balance that may remain shall be returned, on demand, if made within twelve months, to the owner of the property, and

if unclaimed after such period, shall be credited to the Municipal Fund. After seizure of the property as aforesaid, the Commissioners shall forthwith issue a notice in writing that, after the expiration of two days, exclusive of Sunday, they will sell at such place as they may state in the notice the property by auction. Provided that if at any time before the sale has actually begun the person whose property has been seized shall tender to the Commissioners, or other officer appointed by them, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

94. No tolls shall be paid for the passage of troops on their march, or of military or Government stores, or of military or police officers on duty, or of any person or property in their custody, or of conservancy carts or other such vehicles belonging to the Commissioners; but no other exemption from payment of the tolls levied under this Act shall be allowed.

95. It shall be lawful for the Commissioners to compound with persons living outside the Municipal limits for a sum to be paid annually or half-yearly, in lieu of all tolls payable under the provisions of this Act in respect of carriages, carts, or animals entering the municipal limits; and the Commissioners shall issue licenses for such carriages, carts, or animals; and while such licenses shall remain in force, such carriages, carts, and animals shall be exempt from all tolls as aforesaid upon entering the municipal limits. Provided always that such composition shall include all the carriages, carts, and animals possessed by the person compounding.

96. In all cases of resistance to the lawful authority of the toll-collectors, all police officers shall be bound to assist the toll collectors when required; and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

97. Every person other than persons appointed or duly authorized to collect the tolls under this Act, who shall levy or demand any toll, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act, seize or sell any property, knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be deemed to have committed the offence of cheating or extortion, as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

98. A table of the tolls authorized to be taken at any toll-gate or station, legibly written or painted in English words and figures, and in the vernacular language or languages of the district, shall be put up in a conspicuous place near such gate or station.

PART IV.—MODE OF RECOVERY OF MUNICIPAL TAXES.

99. Every tax collector shall prepare from the lists hereinbefore mentioned a register which shall contain the names of all persons assessed, the property in respect of the occupation of which the assessment in each case is made, and the amount payable quarterly by each person in the Municipality or division, or portion of a Municipality in which the duties of such tax collector are to be performed; and every such list shall be attested by the Chairman.

100. Every tax to be payable under this Act shall be payable by four equal quarterly instalments. The instalment of tax on account of any quarter shall be due on the first day of the month in the said quarter.

101. When any sum is due on account of any tax leviable under this Act, the Chairman shall, unless otherwise specially provided in this Act, cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the property or thing for which the charge is made. If the bill be in respect of the tax upon carriages, horses, and elephants, it shall contain a notice of the time within which an appeal against such tax may be preferred.

102. For all sums collected on account of any tax under this Act, a receipt shall be given signed by the tax collector or by some other officer who may have been specially authorized by the Magistrate to grant such receipts.

103. The Tax Collector or other officer appointed on that behalf shall remit, in such manner and at such times as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment, and the Magistrate, or some other officer authorized on that behalf, shall give the tax collector a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to the Municipal Fund.

104. If any bill which may have been presented in pursuance of this Act be not paid by the person liable to pay the same within ten days from the presentation thereof, the Magistrate may cause to be served upon such person a notice of demand in the Form (A) in Schedule F annexed to this Act, or to the like effect; and if such person shall not, within ten days from the service of notice of such demand, pay the sum due, together with a fee of two annas as costs for the service of the notice of demand, or show to the Magistrate sufficient cause for non-payment of the same, the amount of the arrear due, with costs on the scale in the Form (B) in Schedule F set forth, which shall include those of serving the notice of demand, may be levied by distress and sale of any goods and chattels belonging to the defaulter which may be found within the Municipality, or

of any goods and chattels whatever which may be found on the premises in respect of the occupation of which such defaulter is liable to such tax.

105. Every warrant of distress and sale under the last preceding section shall be issued by the Magistrate, and shall be in the Form (C) in Schedule F set forth. The officer charged with the execution of the warrant of distress shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof, by beat of drum, in the town or division thereof in which the property is situated and by serving on the defaulter a notice in the Form (D) in Schedule F. If the arrear be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Magistrate, the goods and chattels seized shall be sold by public outcry at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and the costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The tax collector or other officer appointed on that behalf under this Act shall make a return of all such sales to the Magistrate in the Form (E) specified in Schedule F; and the costs upon every such proceeding shall be such as are mentioned and set forth in Form (B) in Schedule F annexed to this Act.

106. If no sufficient goods or chattels belonging to a defaulter or being upon the premises in respect of the occupation of which the tax is due can be found within the Municipality in which the premises are situate, the Magistrate on being satisfied thereof, and of the existence of an arrear, may issue his warrant for the distress and sale of any goods and chattels belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any goods and chattels belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall back the warrant so issued, and cause it to be executed and the amount (if levied) to be remitted to the Magistrate issuing the warrant.

107. All goods and chattels, except tools or instruments of trade, which may be found upon any premises in respect of the occupation of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same. Provided that no arrear of tax which has remained due for more than three calendar months shall be recovered by distress and sale of the goods and chattels of any person, other than the defaulter himself, who did not reside on the premises in respect of which such tax was imposed at the time when such arrear became due.

108. Every tax collector and other servants appointed for, or employed in, the performance of any duties connected with the assessment or collection of the tax under this Act, is prohibited from bidding for or purchasing any property at such sales as aforesaid. Any person purchasing property in contravention of this section shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty Rupees, and the sale shall be quashed and the property declared liable to resale.

109. The Magistrate shall cause a regular account to be kept of all distresses levied and sales made for the realization of arrears under this Act.

110. Whoever conceals, removes, or disposes of any property belonging to the person who is liable for any amount of tax, for the purpose of avoiding a distress under the provisions of this Act, shall be considered to have concealed, removed, or disposed of such property fraudulently.

PART V.—MUNICIPAL FUND AND ITS APPLICATION.

111. All monies, rents, and profits received by the Commissioners by virtue of this or any other Act, and all fines, fees, and penalties paid or levied under this Act, and all other monies which, under sanction of Government, may be transferred to such Commissioners, shall constitute a fund, which shall be called the Municipal Fund, and shall, together with all property of every nature or kind which may become vested in the said Commissioners, be under their control, and shall be held by them and their successors in trust for the purposes of this Act.

112. The Commissioners shall set apart annually out of the Municipal Fund a sum sufficient for the maintenance of police officers appointed or employed under Act V of 1861, or any other Act which may for the time being be in force for the regulation of the police within the territories subject to the Lieutenant-Governor of Bengal or any part thereof; provided that the number of police officers shall be determined in manner as hereinafter provided.

113. The Municipal Fund, after a sum has been set apart as in the manner provided by the next preceding section, may, subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe, be applicable within the towns in which it is raised, to the following purposes, that is to say—

(1)—The construction, repair, and maintenance, of streets and bridges.

(2)—Works of public utility calculated to promote the health, comfort, or convenience of the townspeople; including, the supply of water, expenses of lighting of streets, the construction, repair, and maintenance of hospitals, dispensaries, lunatic asylums, rest-houses, tanks, wells, and markets; also the payment of all charges connected with the objects for which such buildings were constructed, the training and employment of medical practitioners and vaccinators, the sanitary inspections, the registration of births and deaths, the cleansing of

tanks or wells, and the application of the Indian Contagious Diseases Act.

(3)—The diffusion of education, and with this view, the construction and repair of school-houses, the establishment and maintenance of schools either wholly or by means of grants-in-aid, the inspection of schools and training of teachers.

(4)—The support or relief of the poor in times of exceptional distress and scarcity.

114. It shall be competent to the Commissioners, with the sanction or upon the direction of the Lieutenant-Governor, to contribute a portion of the Municipal Funds towards the expenses incurred in any other Municipality under this Act, or in any district or sub-division under the District Road Cess Act 1871 passed by the Lieutenant-Governor of Bengal in Council, where such expenditure is incurred for any of the purposes described in the last preceding section, and is calculated to benefit the inhabitants of the contributing town, or to relieve exceptional distress in the neighbourhood; provided always that, where such contribution has not been originally recommended by the Commissioners, it shall not be obligatory upon them until the proposal to make such contribution shall have been submitted to them by the Lieutenant-Governor, and they shall have had the opportunity of offering their opinions thereon.

115. It shall be competent to the Lieutenant-Governor to appoint, from time to time, such officers as may be required for the purpose of inspecting or superintending the operations of the Municipalities created by this Act, and to assign to them such salaries as the Lieutenant-Governor shall think reasonable; and the expense incurred by reason of such appointments shall be defrayed in rateable proportions out of the funds of the several Municipalities established under this Act. And the said Lieutenant-Governor may direct that the municipalities in any district or division shall pay such sum as he may consider reasonable towards the cost of clerks or other establishment maintained in the office of the Collector or Commissioner for purposes of supervision under this Act.

116. The Commissioners shall consider and pass at a meeting, a statement or estimate showing the probable receipts, and the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of April then next, and the items in respect of which it is proposed to incur such expenditure, and may also consider and pass a supplemental estimate providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised in the official year then current for the purposes of this Act.

117. Copies of the aggregate estimates for any Municipality which shall have been passed under the provisions of the next preceding Section, and if necessary, translations thereof into the vernacular of the district, shall be lodged in the offices of the Magistrate of the district and of the Magistrate, and at some convenient place within such Municipality. During fourteen days after such estimates shall have been so lodged in the said offices, of which due notice shall be

publicly given, such estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times and seasons by any rate-payer of such town who may desire to inspect the same.

118. As soon as is practicable, after the expiration of the said fourteen days, the Magistrate shall transmit to the Magistrate of the district the said estimates, with any remarks or objections thereupon which may have been recorded by himself or by the Municipal Commissioners at a meeting. The Magistrate of the district shall transmit to the Commissioner of the Division the said estimates, together with any remarks or objections made by the Magistrate or the Municipal Commissioners, and his own opinion thereon.

119. The Commissioner of the division shall sanction, if unobjectionable, any estimate forwarded under the next preceding section. If he see any objection to such estimate he may record his objection; and he shall have power to remit for reconsideration the estimate of any Municipality made under this Part which may have been voted by less than two-thirds of the Commissioners of such Municipality.

120. The Commissioners shall, at such time or times, and in such form as the Lieutenant-Governor shall direct, furnish an annual report of their proceedings and statements in detail of all the works executed by them, and of all sums received and expended by them. All the municipal accounts shall be audited by such person and in such manner as the Lieutenant-Governor shall direct. The annual report shall be published in the *Calcutta Gazette*.

121. All sums collected under this Act, and all funds appropriated by Government for the purposes of this Act, shall be paid into the nearest Government treasury of the district, or, with the sanction of Government, into any Bank or branch Bank, or Native Banker established in or near to the Municipality, and shall be credited to an account to be called the Municipal Fund of the Municipality where they have been raised, provided always that it shall be competent to the Commissioners, with the sanction of Government, to invest any sums not required for immediate use either in the Government Savings Bank or in Government securities, or in any other form of security which may be approved of by Government.

122. All orders for payment of money from the Municipal Fund shall be signed by the Chairman or, in his absence, by the Vice-Chairman, or, in the absence of the Vice-Chairman, by any two of the Commissioners.

123. Within one month after the commencement of each year, the Magistrate shall cause to be prepared accounts of the receipts and expenditure of the Municipal Fund during the previous year; and shall cause such accounts to be laid before the

Municipal Commissioners for the space of one month, and shall cause copies of such accounts and of any remarks made thereon by the Municipal Commissioners to be forwarded to the Magistrate of the district, who shall forward the same to the Commissioner of the Division.

PART VI.—REGISTRATION OF BIRTHS AND DEATH.

124. It shall be lawful for the Commissioners to keep in their office a register of all births and deaths within the Municipality, and for this purpose they shall divide the Municipality into such and so many districts as they shall think fit, and for every such district they shall appoint a person to be Registrar of births and deaths within such district.

125. Every Registrar shall dwell within the district of which he is Registrar, and shall cause his name, with the addition of Registrar for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house; and the Commissioners shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the town.

126. The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place within the Municipality according to the forms prescribed in Schedules (G) and (H) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

127. Every Registrar shall inform himself carefully of every birth and of every death which shall happen in his district after the first day of September, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H), respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

128. The father or mother of every child born within the Municipality, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one month next after the day of every such birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

129. Some one of the persons present at the death, or in attendance during the last illness, of every person dying within the Municipality, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Any person who shall refuse or neglect to give any information which it is his duty to give under this section, shall be liable to a penalty not exceeding one hundred Rupees.

130. Every person by whom the information contained in any register of births or deaths under this Act shall have been given, shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

PART VII.—MUNICIPAL POLICE.

131. At such time or times, and in such form as the Lieutenant-Governor shall direct, the Commissioners at a meeting shall prepare a statement of the police force required for their Municipality, and such statement, when passed at a meeting of the Commissioners shall be forwarded to the Lieutenant-Governor through the Magistrate to the Commissioner of the division, who shall either himself sanction or amend the statement, or shall forward it to the Lieutenant-Governor for sanction or amendment, according as the said Lieutenant-Governor may, in each case from time to time, direct who shall sanction or amend such statement. The police force, according to the statement finally approved by the Lieutenant-Governor, shall be the police force of the Municipality for the year next ensuing, and its cost shall be incorporated on the estimates of expenditure to be prepared under this Act.

132. When the strength and the cost and distribution of the police of any Municipality shall have been settled under the next foregoing section, no alteration shall be made in such strength or cost or distribution of costs, save on the recommendation of the Commissioners and with the sanction of the Lieutenant-Governor of Bengal, or of the Commissioner of the division in cases where the Lieutenant-Governor may have delegated to the Commissioner powers under this section.

133. The Commissioners or a sub-committee of the Commissioners nominated for that purpose shall control, appoint, and dismiss or suspend the members of the town police force; provided that no police officer above the rank of constable shall be dismissed or suspended without the sanction of the magistrate of the district; and provided that all the acts of a sub-committee under this section shall be liable to revision by the Commissioners at a meeting.

134. No police officer, who forms part of the strength of the Municipal police, shall be liable to serve beyond the limits of the Municipality, save in execution of duties imposed on him by his employment as a police officer of such Municipality.

135. As soon as possible after the close of each month the District Superintendent of Police shall, as regards each Municipality, present to the Magistrate, in whose jurisdiction such Municipality may be situated, a bill showing the actual expenses incurred during the preceding month in the payment of the said force, and the contingent expenses thereof; and the said Magistrate, on being satisfied that the bill is substantially in accordance with the estimate for such town, shall cause the amount of such bill to be paid to the District Superintendent from the Municipal Fund.

136. The total amount which shall be chargeable to the Municipal Fund for the cost of any police force which may be sanctioned by the Government for employment within any town, including the contingent expenses of such force, shall not exceed the average rate of one rupee and eight annas per annum for each house in such town, provided that the number of police officers appointed shall not be greater than one superior officer for every fifteen constables, and one constable for every fifty houses.

PART VIII.—INTERVENTION BY THE GOVERNMENT.

137. If the Commissioners of any Municipality fail to effect the necessary repairs and maintenance of roads, or to pay for the police of the town, it shall be lawful for the Commissioner of the Division in which such Municipality is situated to convene a Committee consisting of the district sub-divisional Magistrate, the executive engineer of the division, the civil surgeon, and two members nominated by the said Commissioner; and such Committee shall inquire into and report upon the state of such Municipality. And the Lieutenant-Governor may on the report of such Committee call upon the Commissioners, by requisition in writing signed by him and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Act, and thereupon if the Commissioners neglect for the space of three months then next ensuing to comply with the said requisition, the Lieutenant-Governor may direct the Magistrate to raise the necessary funds under the provisions of this Act and carry out in all respects the purposes thereof.

138. When it shall appear to the Lieutenant-Governor in regard to any first class Municipality, or to such officer as he may delegate authority under this section in regard to any second class Municipality, either that due provision is not made for the construction and maintenance in the municipal limits of any district road passing through such limits, and that hinderance to the traffic of the country is caused thereby, or that reasonable elementary education is not available at a fair cost for children of the residents, it shall be lawful for

the Lieutenant-Governor, or such delegated officer as aforesaid, to call upon the Commissioners to repair or maintain such roads, or to provide such means of elementary education as may seem to the Lieutenant-Governor fit; and in case they shall not within three months make due provision for the same, to authorize the Magistrate to collect and apply to these purposes any of the municipal taxes hereinbefore authorized to be imposed.

139. It shall be lawful for the Lieutenant-Governor to direct the Commissioners of any Municipality to contribute the whole or a part of the cost of any elementary school established within such municipality, provided that in no case shall the contribution made under this section for any one year exceed one-sixth part of the balance of the Municipal Fund available, after the cost of police has been met, for carrying out the purposes of this Act. An elementary school shall be deemed to be a vernacular school or a school with a vernacular department, provided that the fee for each vernacular scholar at such school be not more than one anna per month.

PART IX.—MUNICIPAL REGULATIONS.

CHAPTER I.

Duties of Commissioners, &c.

140. The provisions of this and the next succeeding Part shall not have force in any Municipality until they shall have been specially extended thereto, and it shall be lawful for the Lieutenant-Governor of Bengal to extend any or all of the sections in this Part to any Municipality created under this Act, and the said Lieutenant-Governor shall have power to withdraw any Municipality from the operation of all or any of the sections of this Part.

141. The Commissioners may cause a name to be given to any road and affixed in such place or places as they may think fit, and may also cause a number to be affixed to every house in every road for the purpose of identifying such house; and the Commissioners at a meeting may cause such names and numbers to be altered.

142. The Commissioners shall provide all cattle, carts, and implements required for the removal of night-soil, dung, and other filth, and shall, from time to time, appoint or provide places convenient for the deposit of such night-soil, dung, and other filth, and for keeping all cattle, carts, and implements, required for the removal thereof, and for other purposes of conservancy.

143. It shall be the duty of the occupier of every house within the limits of any Municipality to remove from his premises all night-soil, dung, and other filth into carts provided by the Commissioners for the purpose of carrying away the same, and at such times and in such manner as the Commissioners may direct. Provided that the occupier of any house shall prefer to carry

away the said night-soil, dung, or other filth, it shall be open to him to do so in conformity with the provisions of Section 146 of this Act.

144. All dirt, ashes, rubbish, sewage, soil, dung, and filth, collected by the Commissioners from the roads, houses, privies, sewers, and cess-pools, shall be held to be the property of the said Commissioners, who shall have power to sell and dispose of the same; and the money arising from the sale thereof shall form part of the Municipal Fund.

145. The Commissioners may cause any number of movable or fixed dust boxes, or other convenient receptacles wherein dust and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in convenient situations, and may require the occupiers of houses in roads to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles.

146. The Commissioners shall from time to time fix the hours within which it shall be lawful to remove night-soil or other such offensive matter, and the manner in which such night-soil or other offensive matter shall be removed.

147. The Commissioners, or any officer appointed by them for that purpose, may inspect all privies, drains, and cess-pools within any Municipality at any time between sunrise and sun-set, after six hours' notice in writing to the occupier of any premises in which such privies, drains, or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he think fit for the purpose of preventing or removing any nuisance arising from such privies, drains, or cess-pools.

148. All public streams, channels, water-courses, tanks, reservoirs, springs, and wells in any town shall, for the purposes of this Act, be under the direction and control of the Commissioners.

149. The Commissioners shall have power to set apart a sufficient number of convenient tanks, or parts of rivers, streams, or channels, not being private property, for the inhabitants to bathe in, and also to set apart tanks or other places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

150. It shall be lawful for the Commissioners to require, by notice in writing, the owner of any premises to cleanse any private tank, and to drain off and remove any waste or stagnant water within any such premises which may appear to be injurious to health or offensive to the neighbourhood; and if such owner refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioners, their officers, and workmen, may enter such premises, and do all such necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the

owner of such premises so making default, and shall be recoverable as a debt due to the Commissioners.

151. Whenever any lands or premises being private property or within any private enclosure, appear to the Commissioners to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation or drain such premises, and if he do not within one week after such notice begin to cut, clear, and remove such vegetation, or to drain such land, and do not complete such work with the due diligence, the Commissioners, their officers and workmen, may after forty-eight hours' notice, enter into the said premises, and do all necessary acts for the purpose aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

152. The Commissioners may, from time to time, as they see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

CHAPTER 2.

Penalties.

153. Whoever wilfully removes, obliterates, or destroys any name or number affixed under section 141 of this Act, or under the provisions of any Act hereby repealed, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 20.

154. Whoever commits any nuisance, or deposits, or permits his servants to deposit any dust, dirt, dung, ashes, garden, kitchen, or stable refuse or filth of any kind, or any animal matter, or any broken glass or earthenware, broken brick, mortar, or other rubbish, in any road or on the pavement or verandah of any house, or on any ground between the house and the road, or any public quay, jetty, or landing place, or on any part of a river bank, whether above or below high water-mark, except in such places and in such manner and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

155. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any road or public highway; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such road or highway, shall be liable to a fine not exceeding ten Rupees.

156. Whoever, being the occupier of a house within the limits of any Municipality, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in or upon the roof of any out-house, or in any yard or ground attached to, and occupied by the occupier of such house, shall be liable to a penalty not exceeding ten Rupees for each offence.

157. Whoever, being the owner or occupier of any house, building, or land within any Municipality, whether tenanted or otherwise, suffers the same to be in a filthy or unwholesome state, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

158. It shall also be lawful for the Commissioners to grant to such persons and for such period as they think fit, licenses to keep privies for public accommodation, subject to such conditions as may be necessary for the preservation of public health and decency. Any such person holding such license, and failing to observe the conditions prescribed in such license, shall be liable to a fine not exceeding fifty Rupees. Provided that it shall be lawful for the Commissioners, at any time, on giving one month's notice in writing, to cancel any license granted under this section.

159. Whoever throws or puts, or permits his servants to throw or put any earth, dirt, or other filth, rubbish, or night-soil into any sewer not specially appropriated for such purpose by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

160. Whoever, except as permitted by the Commissioners, bathes in any public stream, channel, water-course, tank, reservoir, spring, or well, or in any other manner fouls the water thereof, shall be liable to a fine not exceeding ten Rupees for each offence.

161. Whoever being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any road or public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees, and to a fine not exceeding three Rupees for every day after conviction for such offences during which the offence is continued.

CHAPTER 3.

Conservancy works.

162. The Commissioners shall provide and maintain, in sufficient numbers and in proper situations, common privies and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

163. It shall be lawful for the Commissioners to prescribe the form or construction of privy which

the owner or occupier of any house or building within the limits of the Municipality may have on his premises; and such owner or occupier shall have such privy shut out by a wall or fence from the view of persons passing by or residing in the neighbourhood; and any such owner or occupier having a privy constructed in a form different from that prescribed by the Commissioners, or failing to shut it out from public view in the manner hereinbefore directed, shall be liable to a fine not exceeding ten Rupees, and to a further fine not exceeding ten Rupees a day for each day of default or breach of the provisions of this section after written notice duly given by the Commissioners to such owner or occupier.

164. All public sewers, drains, and other works for conservancy existing in any Municipality at the time this Act comes into operation, or which may afterwards be made, shall be under the direction and control of the Commissioners.

165. All public sewers, or other works for the improvement, or the conservancy hereafter required in any Municipality shall be constructed under the direction of the Commissioners, who shall be empowered to purchase any land necessary for such purpose from funds at their disposal; or such land shall, if necessary, be taken under the sanction of Government, under the provisions of any Act heretofore passed, or which shall hereafter be passed, for the acquisition of land for public purposes.

166. All branch drains, and all privies and cess-pools within any town, shall be under the survey and control of the Commissioners, and shall be repaired and made efficient at the cost of the owners of the lands and buildings to which the same belong. If any such owner neglect, during eight days after notice in writing, to repair and make the same efficient in such manner as may be required by the Commissioners, the Commissioners shall cause such drain, privy, or cess-pool to be made efficient, or, if necessary, removed, and the expense of such removal or repair shall be paid by the owner or occupier so making default and shall be recoverable as a debt due to the Commissioners.

167. If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool, which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees. And the Commissioners may cause such drain, privy, or cess-pool to be removed, or may cause such amendment or alteration to be made therein as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable as a debt due to the Commissioners.

CHAPTER 4.

Obstructions in the road.

168. Whoever builds any wall or erects or sets up any fence, rail, post or other obstruction or encroachment, in any road or public highway, or in or over any open drain, sewer, or aqueduct along the side of any such road or highway, shall be liable to a fine not exceeding one hundred Rupees; and the Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as a debt due to the Commissioners.

169. Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any road or public highway, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

170. The Commissioners may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which after this Act shall have taken effect, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road or public highway, or obstructs, or projects or encroaches into or upon, any uncovered aqueduct, drain, or sewer in such road or highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred Rupees; and the Commissioners in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

171. The Commissioners may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building in any road or public highway before this Act shall have been extended to the place, to be removed or altered as they shall think fit; provided that notice be given of such intended removal or alteration to the occupier of the house or building against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

172. Whenever any house or building, part of which projects beyond the regular line of a road or public highway or beyond the front of the house or building on either

side thereof, shall be taken down in order to be re-built or altered, the Commissioners may require the same to be set back to, or towards the line of the road or highway, or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of such house or building for any damage he may thereby sustain.

173. The Commissioners may give notice to the owner or occupier of any land to cut and trim any hedges or trees which overhang any road or public highway, so as to obstruct the passage; and in the event of such notice not being complied with within eight days from the date of service thereof, the Commissioners may cause the said hedges or trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner or occupier, and shall be recoverable as a debt due to the Commissioners.

174. It shall be lawful for the Commissioners, by a by-law to be made in manner hereinafter provided, to direct that the external roof and walls of huts or other buildings about to be erected or renewed in or near any road or public highway shall not be made of grass, leaves, mats, or other such inflammable materials.

175. No person intending to build or take down, alter, or repair any building, shall deposit any building materials or make a hole in or near any public highway, without the permission of the Commissioners, and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night: and whoever so deposits materials or so makes a hole without such permission, or fails to fence or enclose and cause to be lighted such materials or hole, or remove such materials or fill up or otherwise make secure such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

176. If any house or other building, tank, well, or hole or other place, whether on public or private ground be, for want of sufficient repair or protection, dangerous to human beings, the Commissioners shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier of the premises, if any, and shall also cause notice to be put on some conspicuous part of such premises, requiring the owner, or occupier, if any, forthwith to take down, secure, repair, or protect such building, tank, well, or hole, or other dangerous place; and if such owner or occupier do not, within three days after such notice, begin to comply with the requisition, and do not carry on the work to the satisfaction of the Commissioners, they may

cause the same to be taken down, secured, repaired, or protected, so as to prevent danger therefrom; and the expense of such work shall be paid by the owner or occupier of such property so making default, and shall be recoverable as a debt due to the Commissioners.

177. If, in any road any house, building or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state or likely to fall, or in any way dangerous, they shall forthwith give notice in writing to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier thereof, if any, requiring such owner or occupier to take down or secure the same within a fixed time; and in default the Commissioners shall cause such repairs to be made or such buildings to be removed; and the expense thereby incurred shall be paid by the owner of the premises so making default, and shall be recoverable as a debt due to the Commissioners.

178. Whenever, under the provisions of this Act, any work is required by the Commissioners to be executed, or any alterations or improvements to be made in any building, premises, or place, and such work, alterations, or improvements are executed by the occupier of such house, place, or premises, or by the Commissioners, at his expense, the cost thereof may be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction. Provided always, that in case the occupier has a beneficial interest in such building, premises, or place, he shall deduct or recover such sum only as will bear the same proportion to the entire cost of such work, alteration, or improvement, as the value of the owner's interest bears to the value of the joint interest of him and the occupier. And provided also, that in case the rents issuing out of any such building, premises, or place belong to more persons than one, who are entitled to the same, either as being joint proprietors of such building, premises, or place, or as having intermediate and other interests therein, the cost of any work, alteration, or improvement as aforesaid payable by the owner, shall be borne by such persons in proportion to their respective interests, and any one or more of such persons, who may have been compelled to pay more than a just proportion in the first instance, shall have like remedies against the others, for enforcing contribution by them, as are hereby given to the occupier as against the owner.

179. The materials of any such house, building, wall, or other structure or any part of the same which may be pulled down as provided in Section 176, may be sold by the Commissioners, and the proceeds of such sale applied to the payment of the expenses incurred. Any overplus of such sale shall on demand be restored to the owner of such house, building, or wall, and if unclaimed shall, after the lapse of twelve months, be carried to the credit of the Municipal Fund.

CHAPTER 5.

Regulation of certain offensive trades and of Burial and Burning Grounds.

180. Within such limits as may for the purposes of this section be fixed by the Commissioners, no premises shall be newly used except under license from the Commissioners, for any of the following purposes, namely, for melting tallow, for boiling offal or blood, or as a soap house, oil-boiling house, dyeing house, tannery, brick pottery or lime kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or depôt for hay, straw, wood, or coal; and whoever without a license uses any such premises for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence, during which the said offence is continued.

Penalty for establishing certain offensive and dangerous trades within limits to be fixed by the Commissioners.

181. No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant Governor of Bengal, without a license from the Commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

No burial or burning place henceforth to be formed without leave of Government, or of Commissioners.

182. If, upon the evidence of competent persons, it shall appear to the Commissioners that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground, and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

Commissioners may order certain burial or burning places to be closed.

CHAPTER 6.

Vaccination and Inoculation.

183. In any Municipality where the Lieutenant-Governor may consider that proper and sufficient arrangements have been made for the vaccination or inoculation with the cow-pox of the inhabitants thereof, the practice of inoculation shall be prohibited with effect from such date as may be notified by the Lieutenant-Governor at the time of the extension of this Chapter to such Municipality.

Operation of this chapter.

184. Any person who shall thereafter produce, or attempt to produce, in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing im-

Penalty for inoculating or otherwise producing small-pox.

pregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

185. If any person having been inoculated with the small-pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the town of Calcutta, or any other town or place to which such provision shall then be applicable, before the elapse of forty days from the date of such inoculation, or without a certificate from a qualified medical officer, stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

Penalty for entering into any place, subject to this Act, without a proper certificate, before forty days from date of inoculation.

186. Whenever a Magistrate shall sentence an offender to fine under this Chapter, it shall be lawful for such Magistrate to award any portion not exceeding one-half of such fine to the person on whose information such offender has been convicted.

PART X.—MUNICIPAL MARKETS.

187. It shall be lawful for the Municipal Commissioners to grant licenses for the use of any place as a market for the sale of meat, fish, fruit and vegetables within the Municipality.

Power to grant licenses for markets.

188. Every license to be granted under the provisions of this Act shall be in force until the next ensuing day therein named for the commencement thereof, and the said Municipal Commissioners shall grant such license whenever it shall be certified to them in writing, under the hand of the Vice-Chairman of the Municipal Commissioners, that such place is fit to be used as a market.

Duration of license, and terms on which granted.

189. The Vice-Chairman, upon the application in writing of the owner of any such place, shall certify under the preceding section, unless such place be defective as a market in drainage, ventilation, water-supply, or proper width of paths and ways therein.

Vice-Chairman bound to certify fit places.

190. Whoever wilfully or negligently permits any place within the limits aforesaid to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall, unless such place shall have been used as a market for the sale of similar articles at the time of the passing of this Act, be liable to a penalty not exceeding two hundred Rupees; and shall also be liable to a further penalty not exceeding fifty Rupees for every day during which the said offence shall be continued.

191. Whenever three convictions under the provisions of the next preceding section shall have been pronounced in respect of the same place, it shall be lawful for the

Power to close unlicensed places.

Magistrate, on the application of the Municipal Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale, meat, fish, fruit, or vegetables in any place which shall have been so closed shall be liable for each offence to a fine which may extend to ten Rupees.

192. The owner or lessee of every place within the limits aforesaid at the time of the passing of this Act used as a market for the sale of meat, fish, fruit, or vegetables, shall, within six months of the passing of this Act, register, or cause to be registered, the same in a book to be kept for that purpose by the Municipal Commissioners at their office, in which shall be stated the name of the owner thereof, and of the lessee, the extent and boundary of the market, and the description of articles sold therein.

193. Such registration shall be made on the application in writing of the owner or lessee, or some one of the owners or lessees thereof, and every such application shall contain the particulars hereinbefore required to be set out in the registration.

194. Every transfer of interest in any such market as last aforesaid shall be in like manner registered within two months after the date of transfer.

195. Any market which, or the transfer of which, shall not be duly registered under the preceding sections shall be deemed to be a place not used as a market at the time of the passing of this Act.

196. The Municipal Commissioners may from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places within the said town for the purpose of being used as municipal markets, and may charge such rents, tolls and fees as to them may seem fit for the use of or right to expose goods for sale in such markets, and for the use of shops, stalls and standings therein.

197. All such rents, tolls, and fees which shall be imposed shall be recoverable by the Municipal Commissioners from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provision of this Act.

198. It shall be lawful for the Commissioners to make bye-laws for the establishment and publication of a price-current by measure, weight, or tale of the articles sold in Municipal markets under this Act, and for prescribing the mode of sale of such articles.

199. It shall be lawful for the Municipal Commissioners to expel from any such market any person who or whose servants may be convicted of disobeying any such bye-law, and to prevent such person by himself or his servants

further carrying on any trade or business in such market, or occupying stalls or shops therein, and to determine any lease or tenure which such person may have in any such stall or shop.

PART XI.—JURISDICTION OF COMMISSIONERS IN MUNICIPAL AND OTHER CASES.

200. It shall be lawful for the Lieutenant-Governor to direct that any two or more Commissioners of any Municipality may exercise within the limits of such Municipality the powers of a Magistrate in respect of all or any of the offences under the following provisions of this Act, namely, Sections 69, 76, 77, 79, 84, 85, 86, 87, 88, 97, 117, 118, all the sections of Parts IX and X, and the rules and bye-laws which may be framed under any Section of this Act, and also in respect of all offences named in the Penal Code which may be triable under the Criminal Procedure Code by a subordinate magistrate of the first class. When such direction shall have been notified in the *Calcutta Gazette*, then any person accused of an offence, or liable to a penalty under or in pursuance of the above-mentioned provisions of this Act, shall be tried by a bench of not less than two Commissioners sitting together. With respect to any matter which may, under this section, be transferred to the jurisdiction of the Commissioners, the powers, duties, and authority of the Magistrate shall cease. Provided that if the Commissioners, or a bench of the Commissioners, refuse or omit to act under this section, the Magistrate may, with the sanction of the Commissioner of the Division, resume for such time as he may seem fit the functions transferred to the Commissioners under this section. It shall be competent to the Lieutenant-Governor to amend, modify, or recall any direction notified under this section. In case of difference of opinion between the members of a bench of Commissioners, the opinion of the majority shall prevail; when the numbers are equally divided, the opinion of the senior Commissioner shall prevail. The provisions of this section shall not be held to affect the appellate jurisdiction of the Magistrate of the district, under Chapter XXX of the Code of Criminal Procedure, or the powers of supervision vested in the Magistrate of the district by section 434 of the same Code.

201. It shall be lawful for the Commissioners at a meeting to make bye-laws for regulating the rotation in which, and the place at which, the Commissioners shall sit to decide cases under the next foregoing section, and to assign from the Municipal Fund salaries to clerks and other servants who may be appointed by the Commissioners to serve in the courts of benches of Commissioners sitting under the next preceding section.

PART XII.

THIRD CLASS MUNICIPALITIES.

202. It shall be lawful for the Lieutenant-Governor to extend the provisions of this and the next succeeding Part to any place not being a I or II Class Municipality, and it shall be lawful for the Lieutenant-Governor to delegate the power of extending the said provisions to such officers as he may see

fit. After such extension shall have been notified the Magistrate of the district may by a writing under his hand and seal appoint not less three and not more than five persons to be a punchayet in such place. Provided that no punchayet shall be appointed for any place in which there shall be less than sixty houses, and provided that no punchayet shall be appointed in any place, until a Magistrate shall, in personal communication with some of the residents of such town, have explained to them the general duties of a punchayet.

203. If two or more places containing together not less than eighty houses are so situate that some house in one of such places is situate within one mile of some house in each of the others, it shall be lawful for the Magistrate to form such places into a union, and for the purposes of this part such union shall be deemed to be a village.

204. It shall be lawful for the Magistrate of the district to permit or cause the election of a punchayet, under such rules as the Lieutenant-Governor may from time to time prescribe for any place, instead of appointing such punchayet under section 201 of this Act. The Magistrate of the district shall have power to accept resignations and to fill up vacancies in punchayets either by election or by appointment. Every member of a punchayet shall hold office until a successor be elected or appointed. But no person shall be eligible for membership of the punchayet of any place, unless he be a resident in such place, or the proprietor or holder of land therein or his local agent, provided that such proprietor or local agent shall not be eligible for membership unless he be resident within one mile from some part of such place.

205. Whenever the majority in number of the adult male residents in any place or in two or more places so situate as in section 202 is set forth shall by a writing signed by them apply to the Magistrate of the district for the appointment of a punchayet in such place or places, it shall be lawful for him to appoint a punchayet under this Part in such place or places without regard to the number of houses therein contained, and all the provisions of this Part shall apply to such punchayet and to such place or places.

206. It shall be lawful for the Magistrate of the district to declare by a writing under his hand and seal what shall be the limits of any Municipality constituted under this Part. But in any case where no such declaration is made, the limits of a Municipality under this Part shall be taken to be the boundaries of the area of the village or villages which constitute such Municipality.

207. It shall be lawful for the punchayet of any Municipality constituted under this Part to impose within the limits of such Municipality the tax described at section 31 clause (a) of this Act, provided that the average annual tax on each holding shall not exceed one rupee.

208. The assessment to the tax imposed under the next foregoing section shall be made by the punchayet, subject as far as may be to the provisions

of sections 32, 33, 34, 35, 36, 37, 38, 39 and 40 of Part III, Chapter 2 of this Act in respect to Commissioners, provided that it shall not be necessary to send any list or notice of assessment under this part anywhere outside the place for which the assessments may be framed; and provided that any person dissatisfied with his assessment may appeal orally or in writing to the punchayet, who shall consider and decide finally on such appeal; and also that the Magistrate may call for the list of assessment of any village, and that he shall call for such list on the application of ten tax-payers of such villages, and may pass such orders on any such list as he may think fit.

209. Every punchayet shall appoint one of their number to receive and collect the tax, and to grant receipts for the same and to keep the accounts thereof, and it shall be lawful for the punchayet to permit the person so appointed to retain any sum not exceeding six per cent. of the amount collected by him to re-pay the costs of such collection.

210. The collecting member of the punchayet shall collect the tax due every quarter, following, as near as may be, the procedure laid down in sections 99, 100, 102, 104, 105, and 107 of Part IV of this Act, provided that the collecting member shall himself do all which must be done by the tax collector or by the Magistrate under the above-mentioned sections; and provided that the collecting member be not bound to make use of the forms prescribed in these sections, so long as any warrant of distress issued for tax due under this Part shall be in writing, and shall be under the hand of the collecting member.

211. Any person against whom distress may issue under the next foregoing section may, if he dispute his liability to the arrear demanded of him, apply to the Magistrate either orally or in writing, and the Magistrate, after hearing the applicant's statement and making such enquiry as he may see fit, shall pass such order as he may deem proper on the application.

212. The proceeds of the tax levied under this part, together with any fines realized under this Act, and any other sum which may become applicable for the purposes of this Act, shall constitute a fund which shall be called "The Village Fund;" and such fund shall be applicable to the payment of chowkeedars and the balance after payment of chowkeedars shall be applicable to the supply of drinking water to the residents or to their cattle, to simple conservancy operations, and to the support of *patshalas* or village schools.

213. The punchayet of any place shall be bound to appoint such persons to be chowkeedars as they may deem fit, and to assign them salaries out of the Village Fund; provided that not more than one chowkeedar be appointed to every sixty houses, and that the salary of a chowkeedar be not less than three rupees a month, subject to reduction on account of the revenue due on any *chakran* lands enjoyed by such chowkeedar.

214. On the appointment of any chowkeedar the punchayet shall give to him a certificate signed by them of such his appointment, specifying therein the rate of salary at which he has been appointed, and he shall within seven days produce such certificate at the police station within the limits of which his village may be situate, and the officer in charge of such station shall cause the particulars of such certificate to be registered in a book to be kept in such station for the purpose of such registration, and shall report the same to the Magistrate.

215. It shall be lawful for the Magistrate if he see fit to dismiss any chowkeedar for misconduct or neglect of duty, and the punchayet shall thereupon appoint a successor. It shall be lawful for the punchayet to dismiss or fine to the extent of one month's salary any chowkeedar for neglect of duty or misconduct, provided that such chowkeedar may within sixty days appeal to the Magistrate against such dismissal or fine, and the Magistrate shall thereon make such enquiry and pass such order as he may see fit.

216. Every chowkeedar appointed under the provisions of this Part shall perform the following duties:

(1) He shall give immediate information to the officer in charge of the police station within the limits of which the village is situate of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in the final section of this Part which may be committed within the village of which he is chowkeedar, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

(2) He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in the final section of this Part.

(3) He shall observe, and from time to time report to the officer in charge of the police station within the limits of which the village may be situate, the movements of all bad characters in such village.

(4) He shall report to the officer in charge of such police station the arrival of suspicious characters in the neighbourhood.

(5) He shall present himself at such station twice in each week, if such station be within two miles of the village, and if it be more remote once in each week, or once in each fortnight as the Magistrate may direct.

(6) He shall supply any local information which the Magistrate or any officer of police may require.

(7) He shall obey the orders of the punchayet in regard to keeping watch in the village and other matters connected with his duties as chowkeedar.

217. Whenever the chowkeedar may arrest any person, such chowkeedar shall forthwith take the person so arrested to the police station within the limits of which such village is situate, provided that if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

218. The punchayet shall exercise a general control over the chowkeedars, and every member of such punchayet who may know or be informed of the commission within the village of any offence specified in the final section of this Part shall forthwith cause the same to be reported by the chowkeedar to the officer in charge of the police station within the limits of which the village may be situate, and on failure of the chowkeedar, such member shall himself report the same to such officer.

219. Every chowkeedar shall receive, month by month, the full amount of his salary from the member of the punchayet appointed to collect the tax.

220. Whenever the salary of any month shall not be paid in full to any chowkeedar on or before the 15th of the month following, such chowkeedar may apply to the Magistrate, who shall call upon the punchayet within ten days to show cause why they should not pay the amount due to such chowkeedar, and the Magistrate after hearing the punchayet shall pass such order as he may deem fit directing the punchayet or any member thereof to pay the chowkeedar's salary, or directing distraint of the property of the punchayet or any member thereof to the amount of the arrear due to the chowkeedar.

221. All powers vested in the punchayet for the appointment and dismissal of chowkeedars and for fixing the number of chowkeedars to be appointed and the rate of their pay, and for making and levying the assessments hereinbefore directed to be made, may be exercised by the Magistrate or any person whom the Magistrate may by any writing under his hand authorise on that behalf, in case the punchayet shall, for fifteen days after a notice from the Magistrate to exercise such powers or any of them, refuse or neglect to exercise the same, and the Magistrate shall be bound to enquire into any matter concerning the due observance of the provisions of this part in any village whenever ten adult tax-payers may make a representation to the effect that the punchayet's proceedings require supervision or amendment.

222. The punchayet shall be bound to affix once in every quarter on a conspicuous place in the village, or in each village of their circuit, an account of the receipts and expenditure of the quarter next preceding. Any ten adult tax-payers of the village may, if the accounts are not published, or if they are dissatisfied with such accounts, make a representation to the Magistrate who shall be bound to supervise the same.

223. It shall be lawful for the Lieutenant-Governor to invest all or any of the members of a punchayet with powers described in Section 200 of this Act so far as the same are applicable. Two or more of the members so invested may thereafter sit together under such bye-laws as to rotation, days of sitting, and place of sitting, as the Magistrate may from time to time prescribe, and so sitting shall have jurisdiction within the limits of their municipality. All the provisions of the said section with respect to Commissioners shall apply to members of a punchayet invested with powers as aforesaid so far as the said provisions are or may be applicable.

PART XIII. MISCELLANEOUS.

224. Every bill, notice, schedule, summons, or notice of demand, regarding any assessment, rate, or tax or any money due in respect of the same, may be served personally upon the person to whom the same is assessed, or be left at his usual place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served.

Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the place, every such bill, notice, summons, or notice of demand, shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

225. No assessment, and no charge or demand of a rate or tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any court of justice.

226. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

227. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or charges, recoverable under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

228. The Commissioners may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers or servants, under this Act.

229. It shall be lawful for the Commissioners to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter-mentioned, for regulating the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such bye-laws. Provided that no bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a bye-law shall exceed twenty Rupees, and that in case of a continuing infringement no fine shall exceed five Rupees for every day after notice from the Commissioners of such infringement.

230. No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

231. All bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

232. No action shall be brought against the Commissioners, or against a punchayet, or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or affixed at some conspicuous place in the village of such punchayet, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given, shall before such action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

233. The Commissioners may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of the

Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence. Any prosecution under this section shall be instituted before any Magistrate having jurisdiction under the provisions of Chapter XV of the Criminal Procedure Code. The procedure of the above-mentioned code shall apply to all trials of offences under this Act.

234. All the proceedings of the Magistrate of the district, or of a Magistrate under this Act, or of the Municipal Commissioners, except as otherwise specially provided, shall be subject to the control and revision of the Commissioner of the division; and all the proceedings of the Commissioner of the division shall be subject to the control of the Lieutenant-Governor of Bengal.

SCHEDULE A.
(Referred to in Section 5.)
ACTS REPEALED.

Number of Act.	Title.
Act XXVI of 1850 ...	To enable improvements to be made in towns.
Act XX of 1856 ...	To make better provision for the appointment and maintenance of police chowkees in cities, towns, stations, suburbs, and bazars in the Presidency of Fort William in Bengal.
Act XXI of 1867 ...	To make better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah.
Act XII of 1868 ...	For raising funds for making and repairing roads in the suburbs of Calcutta and the station of Howrah.
Act III (B.C.) of 1864, or District Municipal Improvement Act.	For the appointment of Municipal Commissioners in towns and other places in the province under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of rates and taxes thereon.
Act IV (B.C.) of 1865 ...	For the prohibition of the practice of inoculation in the town and suburbs of Calcutta and in towns to which Act III of 1864 has been or shall hereafter be extended.
Act VI (B.C.) of 1867 ..	For the better regulation of the police in towns and municipalities in the territories under the control of the Lieutenant-Governor of Bengal.
Act VII (B.C.) of 1867 ...	For amending Act III of 1864.
Act II (B.C.) of 1868 ...	For amending the District Municipal Improvement Act.
Act VI (B.C.) of 1868, or District Towns Act, 1868.	For providing for the better regulation of the police in towns under the control of the Lieutenant-Governor of Bengal, and for the conservancy and improvement thereof.

SCHEDULE B (referred to in section 36).

NOTICE OF ASSESSMENT.

An assessment made for [here describe the Municipality for which the assessment is made] upon the several occupiers of houses and other

property in the said Municipality pursuant to the Bengal Municipalities Act, 1872, for the purpose of maintaining the conservancy for such Municipality and carrying out the other provisions.

Property occupied.	Names of occupiers.	Profession or business.	Amount of quarterly assessment.

Whereas the above assessment has been duly made pursuant to the Bengal Municipalities Act, 1872, and has been revised and settled by me, the undersigned Magistrate of _____, the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the first day of () and every subsequent payment on or before the first day of () the first day of (), and the first day (), or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as allowed by law.

Dated this _____ day of _____
Magistrate of _____

SCHEDULE C.—(REFERRED TO IN SECTION 58.)
Tax on Carriages, Horses, and Elephants.

	Rs. p. quarter.
For every 4-wheeled carriage on springs drawn by two horses ...	4 8
For every 4-wheeled carriage on springs drawn by one horse or pony, or a pair of ponies under thirteen hands ...	1 8
For every 4-wheeled carriage without springs ...	1 8
For every 2-wheeled carriage on springs ...	2 4
For every 2-wheeled carriage without springs, drawn by a horse, pony, or mule ...	0 12
For every horse ...	2 4
For every pony under thirteen hands or mule ...	0 12
For every elephant ...	6 0

Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.

SCHEDULE D.

(Referred to in Section 70.)

License on Professions, Trades, and Callings.

CLASS I.

	Yearly.
	Rs.
Every Joint-Stock Company ...	100

CLASS II.

Every Merchant, Banker, Shroff, Banian, wholesale Trader, and Commission Agent, and every practising Surgeon, Physician, Dentist, Architect, Civil Engineer, Barrister, Attorney, Proctor, Notary Public, and Pleader of the High Court ...	Rs. 50
Every owner or farmer of a hât or bazaar.	
Every owner of Cotton, Jute, Hide, or other Screws and every Auctioneer ...	

CLASS III.

Every Broker or Daloll employed in the wholesale transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares, and Bills of Exchange, or in procuring Freight.	25
Every Practising Licentiate of Medicine, Apothecary, and Veterinary Surgeon...	
Every keeper of a Spirit-shop, Punch-house or Billiard room, wholesale Tobacco or Jute Depôt ...	
Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is assessed under Section at more than 250 or less than 100 Rupees a month ...	25
Every Pawn-broker, and every person having a shop or place of business registered under Section ...	
Every Pleader, Mooktear, or Law Agent, not included in Class II. ...	

CLASS IV.

Every Hotel-keeper, Boarding and Lodging House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is kept in a brick-house, but not included in Class II. or Class III.	12
Every keeper of a permanent stall at a daily public market or in a chook ...	
Every Poddar or Money-changer ...	
Every Hakeem, Koberaj, and Native Doctor, not included in any other Class	

CLASS V.

Every keeper of a shop not included in any other Class, and every Daloll not included in Class III....	4
Every Padlar, Hawker, Box-wallah, and keeper of a shop at a periodical market or hât ...	

CLASS VI.

All other itinerant dealers and keepers of stalls at periodical markets or hâts ...	1
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NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations at the discretion of the Chairman or of the sub-committee as the case may be, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the firm.

SCHEDULE E.

(REFERRED TO IN SECTION 91.)

Maximum rates of tolls payable on entering the municipal limits.

	Rs.	As.	P.
On every four-wheeled carriage on springs ...	0	8	0
Ditto two-wheeled ditto ...	0	4	0
On every cart, hackery on springs, or cart drawn by men, buffaloes, bullocks, horses, ponies, asses, or mules laden ...	0	4	0
Ditto ditto not laden ...	0	2	0
On every buffalo or bullock laden ...	0	1	0
Ditto horse laden or ridden ...	0	2	0
Ditto ditto not laden or ridden ...	0	1	0
Ditto pony or ass laden or ridden ...	0	1	0
Ditto elephant ditto ...	1	0	0
Ditto camel ...	0	4	0

SCHEDULE F.

FORM A.—(REFERRED TO IN SECTION 104.)

Notice of Demand.

Municipality of ()
To of
Take notice that the sum of Rs. being the amount of assessment due from you to the Fund of the said Municipality is hereby demanded from you, and that if you do not, within ten days, pay the same with two annas as the cost of this notice into the office of the same with costs will be levied by distress and sale of your goods and chattels.

(Sd.)

Magistrate of

FORM B.—(REFERRED TO IN SECTIONS 104 and 105.)

Table of Fees payable upon distrainments under this Act.

Sums distrained for	Fees
	Rs. As.
Under 1 Rupee ...	0 4
1 and under 5 Rupees ...	0 8
5 " 10 " ...	1 0
10 " 15 " ...	1 8
15 " 20 " ...	2 0
20 " 25 " ...	2 8
25 " 30 " ...	3 0
30 " 35 " ...	3 8
35 " 40 " ...	4 0
40 " 45 " ...	4 8
45 " 50 " ...	5 0
50 " 60 " ...	6 0
60 " 80 " ...	7 8
80 " 100 " ...	9 0
Above 100 " ...	10 0

The above charge includes all expenses including the service of notice of demand, except when persons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

FORM C.—(REFERRED TO IN SECTION 105.)

Warrant of Distrainment.

To (here insert the name of the officer charged with the execution of the warrant.)

18

[illegible]

HERBERT COWELL,
Asst. Secy. to the Govt. of Bengal,
Legislative Dept. •

The following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 9th March 1872, and was referred to a Select Committee who are to report therein in one month:—

A Bill to provide for the due appropriation of certain educational and charitable endowments,

WHEREAS there are at present endowments granted in money or in land for certain educational and charitable purposes, in respect of which either no person has been originally nominated a trustee, or there is now no trustee living or capable of being appointed under the instrument of endowment; and whereas it is expedient to provide for their due appropriation and management; It is enacted as follows:—

1. All moneys or lands heretofore granted, or which may be hereafter granted by any person or persons for any charitable or educational purposes, within any district within the territories subject to the Lieutenant-Governor of Bengal, for which no person or persons have been nominated trustees or trustee, or for which there may not be any living trustee, or any power of appointing a trustee under the instrument of endowment, are hereby vested in such trustees as the said Lieutenant-Governor shall, as soon as possible after the passing of this Act, nominate, as hereinafter provided.

2. For every district in respect of which any such endowments have been made whereof at the time of the passing of this Act or thereafter there shall not be any trustee living or capable of being appointed under the instrument of endowment, the said Lieutenant-Governor shall nominate trustees in whom such endowments shall vest; provided that the chief executive officer of such district shall be nominated as one of the trustees in respect of such endowments. Such trustees shall have in all respects the same powers and responsibilities in relation thereto as if they had been appointed by the donor thereof under the instrument of endowment, and where there is no instrument of endowment, they shall be subject in all respects to the orders of the Lieutenant-Governor.

3. It shall be the duty of such trustees to take order that all endowments so vested in them as aforesaid shall be duly appropriated to the purposes for which they were destined by the respective donors thereof, so far as the same can be ascertained, and to invest the same in Government securities, and to apply the yearly proceeds or income thereof to the purposes aforesaid, subject in all respects to the general instructions of the Lieutenant-Governor; provided that the trustees may, with the sanction of the said Lieutenant-Governor, devote any portion of the capital sum or value of the said funds to any especial object for the furtherance of the above-mentioned purposes.

4. Any person interested in the purposes to which any endowment, not being for a purely religious purpose, may have been intended may, without joining as plaintiff

any of the other persons interested therein, issue before the civil court the trustee, manager, or superintendent by whom such endowment may be administered, or any trustee appointed under this Act, for any misfeasance, breach of trust, or neglect of duty, committed by such trustee, manager, or superintendent, in respect of the trusts vested in or confided to them respectively, and the civil court may direct the specific performance of any act by such trustee, manager, or superintendent, and may decree damages and costs against such trustee, manager, or superintendent, and may also direct the removal of such trustee, manager, or superintendent. The interest required in order to entitle a person to sue under this section need not be pecuniary or a direct or immediate interest, or such an interest as would entitle the person suing to take any part in the management or superintendence of the trusts. Provided that any trustee, nominated under this Act, shall not be liable for damages on account of any act done or omitted by him *bonâ fide* for the furtherance of the objects of the trust; and provided also that any costs which may be awarded against any trustee as aforesaid in a suit instituted under this section may, if the said trustee be found to have acted *bonâ fide*, be defrayed from the endowment vested in such trustee under this Act.

5. The Lieutenant-Governor may at any time nominate and appoint a new trustee or trustees for any endowment which by virtue of this Act has been vested as aforesaid, and also may at any time remove any trustee so appointed as aforesaid.

STATEMENT OF OBJECTS AND REASONS.

IN some districts of Bengal there are certain educational and charitable endowments for which there are no properly constituted trustees. The present Bill is introduced to enable the Government to appoint standing trustees, who shall be responsible for the care of such endowments.

C. BERNARD.

The 2nd March 1872.

HERBERT COWELL,
Asst. Secy. to the Govt. of Bengal,
Legislative Department.

Orders by the Lieutenant-Governor of Bengal.

Revenue and General Departments.

No. 661R.

APPOINTMENTS.

The 20th March 1872.—Munshi Isvari Prasad, Deputy Magistrate and Deputy Collector, Tirhoot, is vested with the powers of a Magistrate.

The 22nd March 1872.—Mr. Aratoon Cat-chick Mackertich, recently appointed to officiate as a Deputy Magistrate and Deputy Collector in the Dacca Division, is posted to Sylhet.

The 23rd March 1872.—Assistant-Surgeon William Gormley May to officiate as Principal Assistant to the Opium Agent of Benares, during

the absence, on leave, of Assistant-Surgeon Thomas William Sheppard, or until further orders.

Mr. Charles Bazett Garrett to be a Joint-Magistrate and Deputy Collector of the First Grade in Bancoorah, but to continue to officiate as Magistrate and Collector of that District.

Mr. Edward Maxwell Reilly to be Sub-Registrar of Assurances of the Sub-district of Mymensing, having its Head-Quarters at the Sudder Station of the District of Mymensing.

Captain Edward Walker Samuels, Assistant Superintendent of Revenue Survey, First Grade, is vested with the powers of a Deputy Collector, under Regulation IX. of 1833 in the District of Hazareebaugh, and in Pergunnah Toree, in Loharduggah.

The 26th March 1872.—Mr. Charles Edward Crawford Merington, Assistant Magistrate and Collector, to have charge of the Sub-division of Chooadangah, in Nuddea.

Mr. John White, Deputy Magistrate and Deputy Collector, to have charge of the Sub-division of Barrh, in Patna. This cancels the orders of the 19th instant appointing Babu Gopal Chandra Das to the charge of that Sub-division.

Babu Dhanes Chandra Ray, Officiating Deputy Magistrate and Deputy Collector, Champaran, is posted temporarily to Shahabad.

Mr. William Kemble to be a Joint-Magistrate and Deputy Collector of the First Grade, in Purneah, but to officiate as Magistrate and Collector of that District, in the Second Grade, during the absence, on furlough, of Mr. John Burney Worgan, or until further orders.

Babu Dwarkanath Rai, recently appointed to officiate as a Deputy Magistrate and Deputy Collector in the Rajshahye Division, is posted to Bograh.

Babu Jagat Chundra Ganguli to be Special Sub-Registrar of Assurances of Midnapore.

Mr. Charles Crawford Wood to be Special Sub-Registrar of Assurances of Chittagong.

Mr. Robert Pogson to officiate as Special Sub-Registrar of Assurances, Chittagong, during the absence of Mr. Charles Crawford Wood, or until further orders.

LEAVE OF ABSENCE.

The 11th March 1872.—Rabul Kaliprasanna Sarkar, Deputy Magistrate and Deputy Collector of Bagirhaut, for two months, under paragraph 11 of the Uncovenanted Service Absentee Rules.

The 18th March 1872.—Rabul Syama Charan Chatturji, Deputy Magistrate and Deputy Collector of Jehanabad, for two months, under Section XIX. of the Covenanted Service Absentee Rules.

The 20th March 1872.—Mr. John Whitmore, Assistant Magistrate and Collector, Chittagong, for fifteen days, to enable him to present himself for examination in Bengali by the high proficiency test at the examinations which will be held in Calcutta in July next.

The 23rd March 1872.—Babu Purnananda Baruah, Extra Assistant Commissioner, Goalparah, for three months, under paragraph 11 of the Uncovenanted Service Absentee Rules, in extension of the leave granted to him in orders of the 5th September 1871.

The 26th March 1872.—Moulvi Azharul Huq, Deputy Magistrate and Deputy Collector, Jessore,

for three months, under Section 18, Chapter VI. of the Civil Leave Code.

NOTIFICATIONS.

The 22nd March 1872.—Babu Gunganand Mukhurji, Extra Assistant Commissioner, Hazareebaugh, having returned to duty on the forenoon of the 5th instant, the unexpired portion of the leave granted to him under orders of the 28th ultimo is cancelled.

The 26th March 1872.—In continuation of the Notification dated the 5th instant, it is hereby notified that the following gentleman has exhibited sufficient familiarity with the subjects in which it was requisite for him to pass to render him eligible for admission into the Subordinate Executive Service, the Police, and the Commission of the Non-Regulation Provinces:—

Babu Trailokya Nath Sen, B.A.

H. L. DAMPIER,

Secy. to the Govt. of Bengal.

NOTIFICATION.

The 21st March 1872.—Khetranath Mitra, Head Clerk of the Registrar's Office, Cuttack, having been convicted of criminal breach of trust while in Government Service, and sentenced to six months' rigorous imprisonment with fine, has been dismissed from the Government Service, and is hereby declared to be disqualified to serve Government in any capacity whatever.

H. L. DAMPIER,

Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Home Department, is republished for general information:—

No. 1358.—Fort William, the 19th March 1872.—Public.—Notification.—The services of Mr. W. M. Souttar, M.A., of the Bengal Civil Service, are replaced at the disposal of the Government of Bengal from the afternoon of the 16th instant.

The following Orders issued by the Government of India, in the Financial Department, are republished for general information:—

MINT AND CURRENCY.

Fort William, the 20th March 1872.—The following letter from the Officiating Under-Secretary to the Government of India, in the Financial Department, to the Comptroller-General, No. 2118, dated Fort William, the 22nd March 1872, is published for general information:—

In reply to your letter No. 6769, dated the 2nd instant, I am desired to state that although under Section 13 of Act XXIII. of 1870, the fourth and eighth of a rupee are legal tenders for fractions of a rupee, even if the coins have lost more than two per cent. in weight by reasonable wear, yet such coins are to be dealt with strictly according to the provisions of Section 16 of the Act when presented to an Officer authorized to act under that section.

SEPARATE REVENUE.

(STAMPS.)

No. 2135.—The 22nd March 1872.—The Governor General in Council is pleased to direct that the provisions of Financial Notification No. 204, dated 14th July 1871 (of which a copy is hereto appended), shall have retrospective effect from the 1st day of April 1870, the date on which the Court Fees Act VII. of 1870 came into force:—

In exercise of the power vested in him by Section 35 of the Court Fees Act, 1870, the Governor General in Council is pleased to remit in the whole of British India the fees chargeable under the said Act, Schedule I, Article 11, in respect of probate of wills, or letters of administration, in so far as such wills or letters of administration, relate to

property, which a deceased person was possessed of or entitled to, not beneficially, but as a trustee for any other person or persons.

Provided that this remission shall not extend to cases in which a trustee has the power of appointing or otherwise conferring a beneficial interest in the trust property.

The following Orders issued by the Government of India, in the Military Department, are republished for general information:—

No. 290.—*Fort William, the 19th March 1872.*—The following extract from the contract between Her Majesty's Post-Master-General and the Peninsular and Oriental Steam Navigation Company, dated 6th August 1870, is published for general information:—

Extract Para. 37.—"In all cases where an Officer in the Civil, Naval or Military Service of Her Majesty who may not be entitled to a passage at the public expense, shall require a passage on board any of the vessels employed in the performance of this contract, the Company shall be bound, when they have room, to provide a passage for such Officer in preference to private passengers, and shall charge no higher rate for such passage than is chargeable for an ordinary passenger."

2. Officers desiring to be provided with such passages should apply to the General Officer Commanding at the port of embarkation.

This Order is applicable to the three Presidencies.

No. 294 of 1872.—The services of Assistant Surgeon W. G. May, in medical charge of the 16th (The Lucknow) Regiment of Native Infantry, are placed temporarily at the disposal of the Government of Bengal.

H. L. DAMPIER,
Secy. to the Govt. of Bengal.

The 19th March 1872.—The following amended Notification is published for general information:—

NOTIFICATION.

The Lieutenant-Governor has been pleased to pass the following orders connected with the departmental examinations of junior members of the Covenanted Civil Service, the Subordinate Executive Service, the Non-Regulation Commission, Police, &c.

1. Natives of Hindustan serving in Behar and Hazareebaugh shall not be required to pass in Bengali, but it will be optional with them to do so, and those who do pass will be eligible for service and promotion in Bengal as well as in Behar.

2. Officers other than natives of Hindustan will not be required to pass in Hindustani, but may do so, and will then be eligible for service and promotion in Behar and Hazareebaugh, as well as in Bengal.

3. These exemptions are not applicable to officers in the Police, who must pass in both Bengali and Hindustani as now, unless specially exempted.

4. Covenanted Civil Servants must always pass in Bengali, and those who have not passed in Hindustani will have no claim to increased powers or to the full pay of Rs. 500, and cannot have powers or promotion in a Hindustani district, although the higher powers may be conferred on them in a Bengali district if the public service requires it.

5. These relaxations of the existing rules are experimentally introduced, and it may be found necessary to revert to the present requirements that all officers should qualify in both the vernacular languages.

6. It should be understood that officers of all departments who have hitherto been required to pass the examinations are still required to pass them as modified by these rules.

7. The next examination will be held about the end of May, and the exact date will be notified hereafter.

The following Rules which have been laid down for the next examination are published for general information:—

LANGUAGE EXAMINATION.

(1.) For Covenanted and other officers alike one paper shall be prepared in each of the test languages, the first half of which shall be in an easier style than the rest. Of the total number of marks assigned to the whole paper, 50 shall be allotted to the first portion, and 50 to the second. To pass for the Lower Standard, 25 marks at least in the first part must be obtained, and to pass for the Higher Standard, 50 on the whole; of which 25 must be obtained in the second part.

(2.) Covenanted Civil Servants will be required to pass by the Lower Standard in languages only.

EXAMINATION IN LAW.

(3.) All other officers will be required to pass for the Lower Standard—

I.—In a paper confined to Criminal Codes, which shall be prepared specially for this standard, and for which the use of books will be allowed;

II.—In part of the general paper of Local Laws, &c., as described below, which is to be answered without books.

(4.) All examinees will be required to pass for the Higher Standard in two papers containing questions on Local Laws, Regulations, and Rules, (Revenue and Criminal).

One of these papers, which is to be answered without the use of books, will be so arranged as to serve as a test for officers by both standards; it will contain a certain number of questions, to the first half of which 100 marks will be assigned and to the last half 120; 50 marks obtained in the first half of the questions will pass officers for the Lower Standard, and a total of 120 will pass for the Higher Standard, provided that at least 60 of those 120 be obtained in the latter half of the questions.

The other paper, for which the use of books will be allowed, will be confined to the examination for the Higher Standard.

Local Laws, Regulations, and Rules, in which the examination will be without the aid of Books.

Regulations I, VIII, and XLVIII of 1793, and XII of 1817.

Regulations I and II of 1819.

Regulation VIII of 1819.

Regulations VII of 1822, IX and XI of 1825, and IX of 1833.

Acts IX of 1847, XXXI of 1858, and IV (B.C.) of 1868.

Act XI of 1859.

Acts VII (B.C.) of 1868 and VIII (B.C.) of 1869.
Acts XXI of 1856* and XXIII of 1860.*
Act V of 1861.

Act VIII of 1871.*

Bengal Council Act X of 1871.*

The Municipal Act in force for Lower Bengal.†
In which the examination will be with the aid of books.

All the Acts of Parliament‡ relating to India, Acts of the Government of India, Bengal Regulations, and Bengal Acts; Circulars of Bengal Government, the High Court, and the Board of Revenue, of the Inspectors-General of Police, Jails, and Registration.

H. L. DAMPIER,

Secy. to the Govt. of Bengal.

Judicial and Political Departments.

No. 444J.

APPOINTMENTS.

The 18th March 1872.—Mr. Rowland Vyner Cockerell is appointed under Section 3, Act X. of 1870, to perform the functions of a Judge for the purpose of disposing of cases of land acquisition under the provisions of Parts III and IV of that Act in Howrah.

The 19th March 1872.—Mr. William Cornell, M.A., to officiate as Additional District and Sessions Judge of Chittagong, Dacca, and Backergunge, during the absence, on leave, of Mr. Henry Bruce Simson, or until further orders.

The 20th March 1872.—Mr. Colman Patrick Louis Macaulay, M.A., to officiate as District Superintendent of Police, Bancoorah, in the Fourth Grade, during the absence, on special duty, of Captain William Brereton Birch, or until further orders.

Assistant-Surgeon Alfred Swaino Lethbridge, M.D., Superintendent of the Central Jail, Bhaugulpore, to officiate, in addition to his present duties, as Civil Assistant Surgeon of Bhaugulpore, during the absence, on furlough, of Surgeon Neil Benjamin Bailie, or until further orders.

Mr. Charles Benjamin LeMesurier to be a Municipal Commissioner for the town of Jamal-pore.

The 21st March 1872.—Mr. John George Charles to officiate as a Magistrate of Police, Calcutta, during the absence, on duty, of Mr. William Cornell, or until further orders. Mr. Charles is also appointed under Section 4, Act II. of 1869, to be a Justice of the Peace for the town of Calcutta.

The 22nd March 1872.—Babu Brajendra Kumar Sil, B.L., to officiate as Subordinate Judge of Moorshedabad, and Judge of the Small Cause Courts of Moorshedabad and the Cantonment of Berhampore, during the absence, on leave, of Babu Nroottum Mallik, or until further orders.

* As to the laws which are marked thus* a knowledge of the principles and general scheme of the law will be sufficient. Acquaintance with the executive details and other particulars will not be required.

† As the existing Municipal Acts are about to be reconsidered, no questions will be set on Municipal Acts at the next examination.

‡ As it is doubtful whether the Acts of Parliament are now readily accessible to officers in the mofussil, no questions will be set on them before the second examination of 1872, by which time officers can provide themselves with a collection of these Acts.

Babu Prannathanath Mukhurji to officiate as Subordinate Judge of Dinagepore, during the absence, on leave, of Moulvi Syed Moazzin Husain, or until further orders.

Moulvi Abdool Azeez to officiate temporarily as Secretary to the Committee for the management of the Charitable Dispensary at Sonebura, in Bhaugulpore.

The 26th March 1872.—Captain William Nesbitt Wroughton is vested with powers under Section 20, Act XXII. of 1864, to try breaches of the rules and regulations made under Section 17 of the Act in the Cantonment of Dorundah.

Mr. John Arthur Hopkins, B.L., to officiate as District Superintendent of Police, Midnapore, in the First Grade, during the absence, on leave, of Mr. William Parry Davis, or until further orders.

Babu Dinanath Das to officiate as Moonsiff of Gurbettah, in Midnapore, during the absence, on leave, of Mr. W. Cardozo, or until further orders.

Third Grade Sub-Assistant Surgeon Raj Krishna Mukhurji to have medical charge of the Civil Station of Chupra, during the absence, on leave, of Dr. R. McLeod, or until further orders.

The Lieutenant-Governor is pleased to appoint Lord Henry Ulick Browne to be a Member of the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations in the Bengal Division of the Presidency of Fort William.

Moulvi Ahmadullah to officiate as Moonsiff of Bamannarrah, in East Burdwan, during the absence, on duty, of Babu Anantaram Ghosh, or until further orders.

Babu Kailas Chandra Mozumdar to officiate as Moonsiff of Gungarampore, in Dinagepore, during the absence, on duty, of Babu Pramathanath Mukhurji, or until further orders.

Babu Nilmadhab Shamanta, B.L., to officiate as Sudder Moonsiff of Moorsshedabad, during the absence, on duty, of Babu Brejendra Kumar Sil, or until further orders.

The following gentlemen are appointed to be Justices of the Peace for the town of Calcutta, under Section 4, Act II of 1869:—

Mr. J. Pitt Kennedy.

Kumar Narendra Krishna Bahadur.

Mr. H. C. Marindin.

Babu Dwarkanath Biswas.

Dr. F. N. Macnamara.

Sahibzadah Prince Muhammed.

Dr. J. Ewart.

Babu Gour Das Basak.

Dr. W. K. Waller.

Wahidzuddin.

Mr. Thomas W. Brookes.

Nakhadah Hasan Ibrahim Bin Jowhar.

Mr. L. Broughton.

„ F. D. Chauntrell.

Babu Grish Chandra Das.

Mr. G. Graham, c.s.

Babu Karai Lal De.

Mr. W. T. Apcar.

„ B. Newman.

Babu Dwarkanath Mallik.

Mr. J. A. Parker.

„ C. J. Wilkinson.

Babu Madhab Krishna Set.

Mr. J. W. Lowe.

„ C. Shanks.

Babu Hari Mohan Ray.

LEAVE OF ABSENCE.

The 20th March 1872.—Mr. Arthur Blair, Officiating District Superintendent of Police, Bancoorah, for seven days, to enable him to appear before the Standing Medical Committee at the Presidency.

The 21st March 1872.—Mr. R. L. Martin, Inspector of Schools, South-West Division, for one month, from the 1st instant, under Section XVIII. of the Covenanted Service Absentee Rules.

The 22nd March 1872.—Moulvi Syed Moazzim Husain, Subordinate Judge of Dinagore, for three months, under Section XIX. of the Covenanted Service Absentee Rules.

Surgeon William Edward Allen, F.R.C.S., Officiating Civil Surgeon of Chittagong, for one month, under Section XVIII. of the Covenanted Service Absentee Rules.

The 26th March 1872.—Mr. Edward B. Baker, Officiating Deputy Inspector-General of Police, for three months, from the 15th April next, under Section 18, Chapter VI. of the Civil Leave Code.

Dr. R. McLeod, Medical Officer of Chupra, for one month, under Section 18, Chapter VI. of the Civil Leave Code.

Mr. Arthur Blair, Officiating District Superintendent of Police, Bancoorah, for twenty months, on Medical Certificate, under Section 7, Chapter III. of the Civil Leave Code.

NOTIFICATIONS.

The 19th March 1872.—Mr. W. E. Cantopher, Head Master of the Hooghly Collegiate School, having returned to duty on the forenoon of the 1st instant, the unexpired portion of the leave granted to him under orders of the 15th September 1871 is cancelled.

The 23rd March 1872.—The Lieutenant-Governor is pleased to accept the resignation tendered by Mr. Joseph Graham of his seat in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations in the Bengal Division of the Presidency of Fort William.

C. BERNARD,

Offg. Secy. to the Govt. of Bengal.

NOTIFICATION.

The 23rd March 1872.—The Judge of the Sealdah and Howrah Small Cause Courts will, from the 1st of April next, be relieved of the charge of the latter Court. The Judge of the Hooghly and Serampore Small Cause Courts will be also Judge of the Howrah Small Cause Court from the above date.

C. BERNARD,

Offg. Secy. to the Govt. of Bengal.

NOTIFICATION.

The 23rd March 1872.—Mr. Henry Slater Thompson, First Subordinate Judge of Hooghly, and Babu Jagobundu Banurji, the Second Subordinate Judge of that district, are severally vested under Section 29 of Act VI of 1871, within the local limits of the present Hooghly Small Cause Court, with the jurisdiction of a Judge of a Small Cause Court for the trial of suits up to the amount of Rs. 500.

C. BERNARD,

Offg. Secy. to the Govt. of Bengal.

The following Orders issued by the Government of India, in the Home Department, are republished for general information:—

No. 533.—*Fort William, the 18th March 1872.*—*Judicial.*—*Notifications.*—The Hon'ble Elphinstone Jackson, a Judge of the High Court of Judicature at Fort William in Bengal, availed himself on the 29th ultimo of the leave of absence granted to him in Notification No. 123, dated the 25th January last.

No. 539.—Leave of absence on private affairs for six months is granted to Mr. J. Graham, Advocate-General, with effect from the date on which he may avail himself of the same.

No. 541.—*Appointment.*—Mr. H. S. Cunningham to officiate as Advocate-General during the absence of Mr. Graham, or until further orders.

C. BERNARD,

Offg. Secy. to the Govt. of Bengal.

The following Notification issued by the Government of India, in the Home Department, is published for general information:—

No. 478.

HOME DEPARTMENT.

JUDICIAL.

Fort William, the 12th March 1872.

NOTIFICATION.

It is hereby notified that the Secretary of State for India has by Resolution in Council declared the provisions of the 1st Section of an Act passed in the 33rd year of Her Majesty's reign, chap. 3, entitled an Act to make better provision for making Laws and Regulations for certain parts of India and for certain other purposes relating thereto, to be from the 15th day of March 1872 applicable to the following parts of the territories under the Government of the Lieutenant-Governor of Bengal, that is to say,—

The Damin-i-koh.—So much of Pergunnah Bhaugulpore and of Pergunnah Suticare as lies east of the Gerooh Nuddee, and south of a line drawn eastward from Humza Chuck to the village of Dighee.

Zillah Bhagulpore.	Pergunnah Telecaghuree ...	} Except such parts of them as are now or may be hereafter situate on the left bank of the main stream of the Ganges, so that in any change in the course of the river the main stream shall be the boundary.
	" Jumoonce ...	
	" Chetowleah ...	
	" Kankjole ...	
	" Bahadurpore ...	
	" Akbernuggur ...	
	" Inaytunuggur ...	
	" Mukraen ...	
	" Sooltangungo ...	
	" Umber ...	
	" Sooltanabad ...	} Except such detached villages as lie within the general boundaries of pergunnahs not mentioned in this schedule.
	" Godda ...	
Zillah Beerbhoom.	" Umloo Mooteah ...	
	" Pusseye ...	
	" Hendwa ...	
	Tuppeh Muneeharee ...	} Except such detached villages as lie within the general boundaries of pergunnahs not mentioned in this schedule.
	" Belputta ...	
	Pergunnah Pubbia ...	
	Tuppeh Saruth Deoghur ...	
	" Kundit Kurayeh ...	
	" Mohumdabad ...	
	Such part of Pergunnah Durreen Molissur as lies north of the Chilla or Chundun Ghat Nullah.	

Such detached portions of other Pergunnahs and Tuppehs as lie within the general boundaries of any of the abovementioned Pergunnahs and Tuppehs.

Such portions of Pergunnahs belonging to Maldah and Purneah below the village of Khederpore, in Pergunnah Telecaghuree, as are now or may hereafter be situate on the right bank of the main stream of the Ganges.

C. BERNARD,
Offg. Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

ESTABLISHMENT.

No. 117.

The 22nd March 1872.

Transfer.—Conductor W. H. Manners, Executive Engineer, Third Grade, from the Ramghur to the First Presidency Division.

No. 118.

Notifications.—Mr. A. Percy, Accountant, Fourth Grade, re-joined the Central Office of Accounts, Bengal, on return from sick leave on the 1st March 1872, before noon.

No. 119.

The 26th March 1872.

Messrs. F. Bond and W. Barnfather, Executive Engineers, First and Second Grades, Public Works Department, Bengal, have been permitted by the Secretary of State for India to return to their duties.

No. 120.

Private J. Scollard, Overseer, First Grade, attached to the Dinapore Division, is remanded to Military duty, with effect from the 9th March 1872.

No. 121.

Leave of Absence.—Baboo Bindoo Lall Mitter, Overseer, Second Grade, attached to the Cuttack Division, for three months, on Medical Certificate, under Section III of Supplement F. to Civil Leave Code.

No. 122.

The following Order issued by the Government of India, Public Works Department, is republished for information:—

No. 171 of the 21st March 1872.—The Governor General in Council is pleased to make the following appointments and promotions in the Accounts Branch of the Public Works Department, in connection with revised

arrangements for the audit of the accounts of Guaranteed Railways, with effect from the 1st April 1872:—

To be Assistant Examiner of Guaranteed Railway Accounts to the Government of India at Calcutta, with the rank of Deputy Controller.

Mr. W. G. Bayly, B.A., Deputy Controller, Bengal.

H. LEONARD, C.E.,
Offg. Secy. to the Govt. of Bengal,
P. W. D.

Irrigation.

ESTABLISHMENT.

NOTIFICATION.

No. 69.

The 20th March 1872.

Transfer.—Mr. J. Pew, Sub-Engineer, Second Grade, from the Baroon Division to the Patna Division, which he joined on the forenoon of the 9th March 1872.

No. 70.

Posting.—Mr. H. Herd, Temporary Sub-Engineer, Third Grade, to the Sasseram Division, which he joined on the afternoon of the 14th March 1872.

No. 71.

Mr. E. J. O'Neill, Sub-Engineer, Third Grade, joined the Byturnee Division on the forenoon of the 28th February 1872.

No. 72.

The 22nd March 1872.

Private W. Byrne, Probationary Overseer, First Grade, joined the Arrah Division on the forenoon of the 18th March 1872.

No. 73.

The 23rd March 1872.

Leave.—Lieutenant-Colonel G. A. Searle, s.c., Executive Engineer, First Grade, and Officiating Assistant Secretary, Public Works Department, Irrigation Branch, is allowed preparatory leave for thirty days prior to proceeding to Europe on furlough for two years.

No. 74.

Leave.—Mr. R. A. Oldham, Executive Engineer, Fourth Grade, attached to the Cossye Division, is allowed special leave on urgent private affairs for six months, under Sections 12 and 14, Chapter IV. of the Civil Leave Code.

No. 75.

The 26th March 1872.

Posting.—Baboo Nobin Beharry Ghose, Overseer, Third Grade, to the Orissa Circle.

F. T. HAIG, Lieut.-Col., R.E.,
Offg. Joint-Secy. to the Govt. of Bengal
in the P. W. D., Irrigation Branch.

High Court Notices.

Order by the High Court of Judicature at Fort William in Bengal.

TRANSFER OF MOONSIFFS.

The 12th March 1872.—Baboo Gopee Nath Mattay, from Jumoiee to Sudder Station of Bhangulpore.

The 15th March 1872.—Baboo Khetter Mohun Mookerjee, from Paneeghur, in Zillah Burdwan, to Chooodangah, in Zillahs Nuddea.

Baboo Joygopal Bose, from Chooodanagh, in Zillah Nuddea, to Paneeghur, in Zillah East Burdwan.

By order, &c.

F. B. PRACOCK,
Registrar.

HIGH COURT,
The 21st March 1872.

Departmental Notices.

Notification.

ASSISTANT COLLECTOR MR. LEONARD CHARLES ABBOTT has been placed in charge of the Nuddea Treasury, and authorized to draw bills on other public treasuries.

H. A. COCKERELL,
Offg. Commissioner.

COMM'R.'S OFFICE, PRESIDENCY DIVN.,
The 11th March 1872.

Notification.

BABOO RAMAKHOY CHATTERJEE has been placed in charge of the Midnapore Treasury, and authorized to draw bills on other treasuries.

C. T. BUCKLAND,
Commissioner.

COMM'R.'S OFFICE, BURDWAN DIVN.,
The 1st March 1872.

Notification.

BABOO RUNGO LALL BANERJEE, Deputy Collector, has been placed temporarily in charge of the Hooghly Treasury, and is authorized to draw bills on other treasuries.

C. T. BUCKLAND,
Commissioner.

COMM'R.'S OFFICE, BURDWAN DIVN.,
The 14th March 1872.

Notification.

DEPUTY COLLECTOR BABOO NUNDKISSORE DASS has been placed in charge of the Pooree Treasury, and authorised to draw bills on all other treasuries.

T. E. RAVENSHAW,
Commissioner.

ORISSA COMMISSIONER'S OFFICE,
The 8th March 1872.

Notification.

MR. EXTRA ASSISTANT COMMISSIONER R. L. has been placed in charge of the Durrung Treasury, and is authorized to draw bills on other treasuries.

H. HOPKINSON,
Governor General's Agent, N.E. F.,
and Commissioner of Assam.

GOWHATTY,
The 4th March 1872.

Notice.

DEPUTY COLLECTOR BABOO MADHAB CHUNDER MAITRO has been placed in charge of the Bograh Treasury, and authorized to draw bills from other treasuries.

E. W. MOLONY,
Commissioner.

COMM'R.'S OFFICE, RAJSHAHYE DIVN.,
CAMP BUGWAH,
The 14th March 1872.

Notice.

BABOO RUTTON LALL GHOSH, Deputy Collector has been placed in charge of the Tipper Treasury, and authorized to draw bills on other treasuries.

H. HANKEY,
Offg. Commissioner.

COMM'R.'S OFFICE, CHITTAGONG,
The 16th March 1872.

STATEMENT showing the quantity of store available for exportation on private each of the several Ports of Export in the mentioned Districts:—

Name of District.	Ports at which Salt is generally available for export on private trade.	Quantity remaining in store actually available for export on 1st Feb. 1872.	REMARKS
Ganjam	Baranapadu, at the Newpadah Salt Pans	Indian Mds. 50,000	
Godavery	Cocanada	.....
Kistna	Nizampatam	.....
Chingleput	Madras	297,496	
	Ennore	179,946	
South Arcot	Covelong	.....
	Merkanum	50,000	
Tanjore	Negampatam	.....
	Katuvady	.....
Tinnevely	Tuticorin	.....
Total		577,139	

N.B.—Salt for export will be supplied by Government at rates specified in the Notifications dated 21st March 1869 and 2nd April 1869, published at pages 737, Fort St. George GAZETTE dated 24th March 1869, and 637, dated 27th April 1869.

J. P. PENNINGTON,
Sub-Secretary.

REVENUE BOARD OFFICE,
Madras, the 20th February 1872.

PUBLISHED for general information.

By order of the Member in charge,

T. B. LANE,
Secretary.

BOARD OF REVENUE, L.P.,
Fort William, the 15th March 1872.

Sheriff's Office, the 5th March 1872.

Notice is hereby given that the Third Criminal Session of the year 1872 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Thursday, the Fourth day of April next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

JOHN COWIE,
Sheriff.

মরিক কালিস ১৮৭২ সাল ৫ মার্চ।

নকলকে সমাচার দেওয়া যাইতেছে যে
দুবে বাঙ্গালার কোর্ট উইলিয়ম দুর্গের অ-
ধীন শহর কলিকাতার ও অন্যান্য স্থানের
কোজদারী বিচার নিষ্পত্তি জন্য আগামি ৪
প্রিন্স বৃহস্পতিবার বেলা ১১ ঘটিকার
ময় এবং যে পর্যন্ত শিশিয়ানের কার্য
শষ না হয় প্রতিদিন উক্ত সময়ে কলি-
তার তৌনহালে হাই কোর্টের আদালত
ন্য সন ১৮৭২ সালের তৃতীয় ক্রিমিনেল
Grashিয়ান বসিবেক এবং এতদ্বারা প্রচার
Ben ১৮৭২। যাইতেছে যে, যে নকল ব্যক্তি কোন
য়েদীর বিবন্ধে কোজদারী মিছিল করি-
তাহারা উক্ত স্থানে ঐ সময়ে হাজির
ন। মোকদ্দমা করে ইতি সন ১৮৭২
তারিখ ৫ মার্চ।

JOHN COWIE,
Sheriff.

Notice.

No. 197C.

SEALED TENDERS are hereby invited for the supply of Coal Pitch for the Opium Chests of the Behar Agency of the season 1871-72.

The tenders will be received in the Office of the Secretary to the Board of Revenue up to noon of the 2nd April next, all particulars as to time and place of delivery, as well as the quantity, description, and quality of the article being obtainable by personal application at the said Office.

The party or parties whose tender may be accepted will have to enter into an engagement, and, as security for its fulfilment, to deposit with the Board such amount as they may think proper to demand.

The Board reserve to themselves the right of rejecting any tender without assigning any reason for doing so.

By order of the Member in charge,

of
BOARD OF REVENUE, L. P.;
FORT WILLIAM,
The 21st March 1872.

T. B. LANE,
Secretary.

Opium Notification.

No. 140C.

NOTICE is hereby given that the Fourth Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-room, No. 2, Bank-hall Street, on Wednesday, the 3rd April 1872, at 11 A.M., and will comprise 3,575 Chests, viz.:

Behar Opium ... 2,000
Benares ditto ... 1,575

Total Chests ... 3,575

2. The general conditions of the sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 10th November 1871, and published in the *Government and Exchange Gazette*, or on personal application at the office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 8th and 18th April respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Monday, the 8th April 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Thursday, the 18th April 1872.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates should circumstances render it expedient to do so:—

Dates.	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 6th May 1872	2,000	1,575	3,575
On or about Thursday, 8th June "	2,000	1,575	3,575
On or about Thursday, 4th July "	2,000	1,575	3,575
On or about Monday, 6th Aug. "	2,000	1,575	3,575
On or about Thursday, 5th Sept. "	2,000	1,575	3,575
On or about Tuesday, 1st Oct. "	2,000	1,575	3,575
On or about Wednesday, 8th Nov. "	2,000	1,575	3,575
On or about Thursday, 5th Dec. "	3,000	1,575	3,575
Total chests ...	16,000	12,600	28,600

By order of the Member in charge.

T. B. LANE,
BD. OF REV., FORT WILLIAM, Secretary.
The 26th February 1872.

Notification.

NOTICE is hereby given that the wastage allowance on cargoes of salt imported from Europe in steamers via the Suez canal has been fixed at five per cent.

The terms of this notification will be enforce from 1st August 1872.

By order of the Member in charge of Salt.

J. A. CRAWFORD,
Collector of Customs.
CALCUTTA CUSTOM HOUSE,
The 21st March 1872.

NOTICE.

The following Packages landed from the undermentioned Ships are lying unclaimed at the Custom House. If the Goods are not cleared on or before the dates stated against each item they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

Date of Sale.	Names of Vessels.	Marks or address.	Number of Packages.	Consignees.
1872.				
April 2nd...	British India	P	1 Jar (empty)	P. J. Waite & Co.
ditto ...	ditto	S L, 580-587; S S	1 Parcel	Ewing & Co.
		684-696.		
ditto ...	ditto	[P]	1 Hogshead (broken)	P. J. Waite & Co.
ditto ...	Excelsior	No mark	1 Winch	C. Ver.
ditto ...	Sir Henry Lawrence	[B. S. and Co.]	5 Cases (empty)	B. Smyth & Co.
ditto ...	ditto	B K D	1 Case	Order.
ditto ...	Bellona	[D] G S, 13-28	1 Parcel	Gopaul Chunder Sein.
ditto ...	City of Hankow	[Y]	1 Case (empty)	Andrew Yule & Co
ditto ...	Singapore	[P]	2 Barrels (broken)	Order.
ditto ...	Yorkshire	A O	1 Piece Sandal wood	ditto.
ditto ...	ditto	[C. and Co., +]	1 Case	G. Arbuthnot & Co
ditto ...	River Clyde	No mark	1 Cask	Order.
ditto ...	Iron King	ditto	1 Keg (broken)	ditto.
ditto ...	ditto	W. H. & Co.	1 Keg (broken & empty)	W. H. Harton & Co
ditto ...	ditto	No mark, supposed to be marked S	14 (broken) pieces of marble.)	Robert & Charriol.
ditto ...	DeRuyter	Messrs. Thomas Skinner	2 Parcels	J. Skinner & Co.
ditto ...	Knight Commander	[M J]	1 Parcel	Meer Juggoo.
ditto ...	ditto	No mark, supposed to be marked A.	2 Broken pieces of Spelter.	Order.
ditto ...	British Prince	[R N] A. B. & Co.	1 Case	W. H. Fitze & Co
ditto ...	ditto	[24] L C J, 6-10	5 Cases	Order.
			2 Casks	
ditto ...	ditto	[84] D	1 Case	ditto.
ditto ...	Gainsborough	Y Z, 8-9	1 Parcel	Rentiers & Co.
ditto ...	Orchis	Ker, Dods & Co.	1 ditto	Ker, Dods & Co
ditto ...	Scotland	[M] G W D R, 1-50, Messrs. Gordon Woodroffe & Co.	1 Case	Order.
ditto ...	ditto	[J F C P H] 1025-9	1 Parcel	ditto.
ditto ...	ditto	[A C N]	1 Keg	G. Wyllie & Co.
ditto ...	ditto	No. mark, supposed to be B B.	1 Cask	Order.
ditto ...	Jason	Cooly Store	1 Bale	ditto.
ditto ...	ditto	[L S] 54-64	1 Parcel	Stuart Mackenzie & Co.
ditto ...	Patna	No mark, supposed to be [X].	10 Drums (empty)	Ahmatty & Co.
ditto ...	ditto	[M R]	1 Parcel	Magon Ram.
ditto ...	Candahar	[F R T Y]	1 Parcel	Mohendronath Dutt
ditto ...	Olga	[D N M]	1 Box	Manick Chand & Hoooom Chand.
ditto ...	Carlisle	Stores	2 Cases (empty)	Order.
ditto ...	Mecca	S U N, 8-19 Dwarkanauth Dutt & Co.	1 Parcel	D. Dutt & Kally Prosono & Co.
ditto ...	ditto	L M] 171-80	1 Parcel	Order.
ditto ...	Durham	No mark, supposed to be [S M & Co.]	2 Casks	Mohindronath Dutt.
ditto ...	Lady Melville	[W K C]	1 Case (broken)	Order.
ditto ...	Ditto	[R B R] T R	1 Bundle	R. B. Rodda & Co.
ditto ...	Durley	[G] 2022-33, Messrs. G. Arbuthnot & Co.	1 Parcel	Messrs. G. Arbuthnot & Co.
ditto ...	Akola	Jules Mumm	1 Case	Order.
ditto ...	Virago	[N S]	1 Case	ditto.
ditto ...	ditto	C D & Co., B 869	1 Case	ditto.
ditto ...	Henry IV	Deaker	1 Trunk	Wattenbach, Heilgers & Co.
ditto ...	ditto	[M M] 693	1 Case	Order.
ditto ...	ditto	[C B C] 2205-89	1 Parcel	ditto.

Date of Sale.	Names of Vessels.	Mark, or address.	Number of Packages.	Consignees.
1872.				
April 2nd...	Henry IV	[G] IR 2709-15, Messrs. G. Arbuthnot & Co.	1 Parcel	G. Arbuthnot & Co.
ditto	Arcot	[H]	1 Cask (broken)	Order.
ditto	ditto	[C]	1 Cask	ditto.
ditto	ditto	[W C & Co., X]	1 Case (empty)	ditto.
ditto	ditto	A P 1600-9	1 Parcel	A. Simpson & Co.
ditto	City of Cambridge	[R W]	1 Case	Order.
ditto	ditto	No mark	2 Bags	ditto.
ditto	ditto	[G T M] Messrs. T. Morrison & Co.	1 Parcel	Messrs. T. Morrison & Co.
ditto	ditto	[J M]	1 Cask	Order.
ditto	Kilmarney	[C C] Ker, Dods & Co. Calcutta.	1 Parcel	Ker, Dods & Co.
ditto	Rydal Hall	[C C] Ker, Dods & Co.	1 ditto	ditto.
ditto	ditto	[W F]	1 ditto	Order.
ditto	ditto	[T A B R]	1 ditto	Bullock Brothers.
ditto	ditto	[C Y] C	1 Cask	Order.
ditto	ditto	No mark	2 Iron pipes	ditto.
ditto	Serius	G M C	1 Case	ditto.
ditto	ditto	[A C]	1 Parcel	ditto.
ditto	Timesah	[H G H D]	1 ditto	ditto.
ditto	Viceroy	No mark	1 Cane chair	ditto.
ditto	ditto	No mark, supposed to be [J H]	1 Cask	ditto.
ditto	ditto	[H] 548-557	1 Parcel	ditto.
ditto	Sulina	[C. G. & Co.] 712-998, 994-1018.	2 Parcels	Colvin, Cowie & Co.
ditto	ditto	[M B] C. C. & Co., 281-469, 470-99.	2 ditto	ditto.
ditto	ditto	[18]	1 Cask	Order.
ditto	Emble Hope	[L S] 304-28	1 Parcel	ditto.
ditto	Petersburgh	No mark	1 Bag	ditto.
ditto	Singapore	[G H] B T 125-134	1 Parcel	ditto.
ditto	ditto	[J F C P H] 1070-1103, Messrs. C. H. Knight & Co.	1 ditto	ditto.
ditto	Asiatic	[G T M] 114-173	1 ditto	ditto.
ditto	British India	No mark	23 Bars of iron	ditto.
ditto	Star of Scotia	ditto	25 ditto	ditto.
ditto	ditto	No mark, supposed to be B.	1 Bundle hoop iron	ditto.
ditto	Lord of the Isle	No mark	11 Bars of iron	ditto.
ditto	Sir Henry Lawrence	ditto, supposed to be [S. & Co., N]	1 Bar of iron	ditto.
ditto	Peter Stuart	No mark, supposed to be X X.	1 Bundle of iron	Kally Prasono Sein.
ditto	ditto	No mark	1 ditto	ditto.
ditto	ditto	ditto	8 Bars & 1 piece of iron	ditto.
ditto	ditto	ditto	7 half pieces ditto	ditto.
ditto	British Prince	ditto, supposed to be R A	4 Bundles of iron	Anstruther & Co.
ditto	Tantallon Castle	No mark	7 Pieces flat iron	Order.
ditto	Carlisle	S H	6 Bundles rod iron	ditto.
ditto	ditto	J. B. & Co.	1 Piece sheet iron	ditto.
ditto	City of Athens	No mark	32 Bars of iron	ditto.
ditto	ditto	ditto	4 Small pieces of iron	ditto.
ditto	British Envoy	E	1 Bundle sheet iron	ditto.
ditto	ditto	E	12 Bars of iron	ditto.
ditto	Buckinghamshire	No mark	16 Bars & 1 piece of iron.	ditto.
ditto	Excelsior	ditto	1 Bar square iron	ditto.
ditto	Kingston	ditto	1 Bundle of iron	ditto.
ditto	Ellen Stuart	S	1 Bundle sheet iron	ditto.
ditto	Singapore	No mark	1 Piece sheet iron	ditto.
ditto	Hereford	ditto	6 Bars of iron	ditto.
ditto	Timesah	X	20 Broken pieces and chips of spelter.	Order.
ditto	City of Athens	D. & Co.	1 Small Box	ditto.

Date of Sale.	Names of Vessels.	Marks or address.	Number of Packages.	Consignees.
1872.				
April 2nd...	City of Attens	[H]	1 Cake and 3 broken pieces of spelter.	Kelly & Co.
ditto	ditto	W S	3 Broken pieces and 3 chips of spelter.	
ditto	Sussex	L M 4, 1-95	1 Parcel	J. N. Heming & Co
ditto	ditto	[R B]	1 Cake and 1 broken piece of spelter.	Order
ditto	Kingston	F M	1 Parcel	ditto.
ditto	Tweed	[C. C. & Co. M B	ditto	Colvin, Cowie & Co
		Messrs. Colvin Cowie & Co., C. C. & Co.		
ditto	Winestead	Elephant	1 Case	Order.
ditto	ditto	[M] D L	ditto	ditto.
ditto	Ellen Stuart	M	3 Cases	ditto.
ditto	Excelsior	[D S] G M C, care of Rev. C. V. French, Lahore, North-West Provinces.	1 Case	ditto.
ditto	ditto	[D E 524] B. B. & Co.	ditto	ditto.
ditto	City of Poonah	Mrs. Hughes, passenger	1 Bedstead	ditto.
ditto	Excelsior	U. H. & Co. 48-55	1 Parcel	ditto.
ditto	City of Poonah	R S O	1 Cask	James Anderson.
ditto	ditto	W S	1 Case (empty)	W. Smith.
ditto	ditto	[M]	1 Cask (empty)	Order.
ditto	ditto	[P] J W	1 Parcel	ditto.
ditto	ditto	[P W] 24-25	1 ditto	ditto.
ditto	ditto	[H] C 195-204	1 Box	Ullman, Hirschhol and Co.
ditto	ditto	[H] F L 574-613	1 Parcel	Shaw Jamison Co.
		Messrs. Shaw Jamison & Co., Calcutta.		
ditto	Viceroy	Colvin, Cowie & Co.	1 ditto	Colvin, Cowie & Co
ditto	ditto	[M B] C. C. & Co.	1 ditto	Order.
ditto	ditto	[D] K C, 3389-98	1 ditto	Ker, Dode & Co.
ditto	ditto	Ralli Mavrojani	1 ditto	Ralli Mavrojani.
ditto	ditto	[N] 8622	1 Case	Order.
ditto	ditto	[P] S. & Co., 634-39	6 Cases	ditto.
ditto	ditto	[P] R. C. & Co., 968, 971, & O.	3 Cases	Robert Campbell.
ditto	ditto	William Ross, Madras	1 Parcel	Order.
ditto	ditto	No mark, supposed to be [C]	1 Case	ditto.
ditto	ditto	No mark	1 ditto	ditto.
March 30th	Meinam	Mr. R. Taylor, Oak Lodge, Dalhousie Hill via Loodianah, Punjab, India.	1 Box.	
ditto	Oriental	[G. A. & Co.] C. L. & Co.	1 Case.	
ditto	Meinam	R	1 Bag.	
ditto	ditto	J E	1 Bag.	
ditto	Hindoostan	No mark	1 Bundle.	
ditto	ditto	ditto	2 Boxes.	
ditto	ditto	ditto	1 Bag.	
ditto	Burmah	C B C	1 Parcel.	
ditto	ditto	[S. S. & Co.]	1 Keg.	
April 6th	Deccan	M Y	27 Cases.	
March 30th	Unknown	[P] C	1 Cask.	
			A quantity of old rope.	
April 6th	Missar	No mark	14 Empty tins.	
			A quantity of old blocks.	
April 30th	China	C P J	8 Packages.	
ditto	Delhi	[G. W. W. & Co.] 347-348.	2 Cases.	